




MEMORANDUM

TO: Central Florida Expressway Authority Board Members CLIENT-MATTER NO.: 19125.0146

FROM: David A. Shontz, Esq., Right-of-Way Counsel

DATE: March 28, 2016

RE: State Road 429 Wekiva Parkway, Project 429-204; Parcel 280
Proposed Mediated Settlement Including Fees and Costs

A handwritten signature in blue ink, appearing to be "D. Shontz", is written over the "FROM" and "DATE" lines.

Shutts & Bowen LLP, Right-of-Way Counsel, seeks approval of the Board of a proposed mediated settlement between Vernice L. Smith, Trustee, The Smith Family Revocable Living Trust, (the "Owner") and the Central Florida Expressway Authority (the "CFX") for the acquisition of Parcel 280 (the "Taking" or "Property") for the construction of State Road 429 Wekiva Parkway, Project 429-204.

DESCRIPTION AND BACKGROUND

Parcel 280 is a fee simple acquisition of 10.975 acres, more or less, from property located between Boch Road and Haas Road and east of Plymouth Sorrento Road in Orange County, Florida. The remainder is approximately 4.067 acres, which is improved with two manufactured homes. One of the homes is a 2-bedroom, 2-bath consisting of approximately 1,546 square feet and the second home is a 3-bedroom, 2-bath consisting of approximately 1,600 square feet. Both homes were built in 2005, and one is the homestead of Mrs. Smith. Additionally, 2,800 lf of field fencing and two gates are located within the area of taking.

The Property is zoned A-2, Farmland Rural District which provides for residential and agricultural uses. The future land use designation is Rural Settlement by Orange County. The highest and best use of the property as vacant was determined to be future residential development. The continued use as a single-family residence is the highest and best use of the property as improved.

The CFX's appraisal of the property was prepared by Christopher D. Starkey, MAI, of Integra Realty Resources - Orlando. Mr. Starkey used comparable sales ranging from \$27,938 to \$31,079 per acre, with a concluded value of \$29,400 per acre. Thus the value of the land acquired is estimated to be \$322,665 (\$29,400 x 10.975), rounded to \$322,700. The site

improvements consisting of the field fencing and gates are valued at \$13,566, rounded to \$13,600.

After the taking, the remainder property is approximately 73% smaller than the original property, and the residences will be approximately 150 feet from the newly constructed Wekiva Parkway. Mr. Starkey opines this close location creates a negative impact on the remainder property, resulting in a diminution of 25% for the remainder, or incurable damages of \$103,600. Thus, Mr. Starkey opines the total value of the part taken is \$441,621, rounded to \$442,000, consisting of \$336,300 for land and improvements taken, \$103,600 for damages and \$1,721 as a cost to cure the replacement of fencing to secure the pasture areas.

Gary Pendergast, MAI, of Florida Real Estate Analysts, Inc., prepared the appraisal report for the Property Owner. Based upon information from land planners Ed Williams and Jim Hall, Mr. Pendergast opined it would be very probable for the property to receive the zoning and land use approvals needed to allow development of the property at a greater density and thus increase the per acre valuation. Mr. Pendergast utilized seven (7) comparable land sales ranging in value from \$45,752 to \$95,420 per acre, arriving at a valuation of \$64,200 per acre for the subject property or \$704,600 for the land taken. Mr. Pendergast opined the remainder property was damaged by the proximity of the Wekiva Parkway, resulting in a 61% damage or a value of \$25,000 per acre after the taking. This reduction in value creates damages in the amount of \$304,500. Thus, Mr. Pendergast values the taking at \$1,009,100.

This matter was scheduled for trial in May 2016 and the parties were about to begin all depositions in this case post mediation, if necessary. During mediation, the parties were able to reach a settlement in the amount of \$657,000, as full settlement of all claims for compensation by the property owner, plus statutory attorney's fees totaling \$76,197, plus reduced expert fees and costs totaling \$38,696.79.

At its March 23, 2016 meeting, the Right-of-Way Committee recommended approval of the settlement to the CFX Board.

For the above-cited reasons, Right-of-Way counsel requests approval by the CFX Board of the mediated settlement in the amount of \$657,000, plus attorney's fees and costs and experts fees and costs totaling \$114,893.79, which is in the CFX's best interest. Settlement of the underlying claim and all fees and costs will eliminate further risk and unnecessary expenses that the CFX will ultimately incur with further litigation of the condemnation action to acquire Parcel 280.

RECOMMENDATION

We respectfully request that the CFX Board approve the proposed settlement agreement with a total settlement of \$771,893.79 in full settlement of all claims for compensation in the acquisition of Parcel 280, including all attorney's fees and all experts' fees and costs.

ATTACHMENTS

Exhibit "A" – Sketch of the Subject Property

Exhibit "B" – Photographs of the Subject Property and Area

Exhibit "C" - Sketch of the Area of Take and Sketch of After Condition of Property

Exhibit "D" – Invoices for services rendered by MEI Civil, Inc., Florida Real Estate Analysts, Inc., Williams Development Services, Inc., and VHB MillerSellen

Exhibit "E" – Mediated Settlement Agreement – Parcel 280

Reviewed by: _____

A handwritten signature in blue ink, reading "Joseph F. Lassiatore", is written over a horizontal line.

ORLDOCS 14588971 1

LEGAL DESCRIPTION

PARCEL 280

PURPOSE: LIMITED ACCESS RIGHT OF WAY

ESTATE: FEE SIMPLE

THAT PART OF THE SOUTHWEST 1/4 OF SECTION 6, TOWNSHIP 20 SOUTH, RANGE 28 EAST, ORANGE COUNTY, FLORIDA, BEING THE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 3830, PAGE 3115 AND OFFICIAL RECORDS BOOK 6147, PAGE 723, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF THE SOUTHWEST 1/4 OF SECTION 6, TOWNSHIP 20 SOUTH, RANGE 28 EAST; THENCE, SOUTH 03°43'34" EAST ALONG THE EAST LINE OF THE SOUTHWEST 1/4 OF SECTION 6, A DISTANCE OF 719.76 FEET TO A POINT ON THE EXISTING SOUTH RIGHT OF WAY OF BOCH ROAD AS DESCRIBED IN OFFICIAL RECORDS BOOK 893, PAGE 25, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; THENCE, DEPARTING SAID EXISTING SOUTH LINE, CONTINUE SOUTH 03°43'34" EAST ALONG SAID EAST LINE, A DISTANCE OF 258.85 FEET TO THE POINT OF BEGINNING; THENCE, CONTINUE SOUTH 03°43'34" EAST ALONG SAID EAST LINE, A DISTANCE OF 705.81 FEET; THENCE, DEPARTING SAID EAST LINE, SOUTH 87°57'23" WEST A DISTANCE OF 671.78 FEET; THENCE, NORTH 03°39'34" WEST A DISTANCE OF 718.92 FEET; THENCE, NORTH 89°04'36" EAST A DISTANCE OF 671.46 FEET AND THE POINT OF BEGINNING.

TOGETHER WITH ALL RIGHTS OF INGRESS, EGRESS, LIGHT, AIR, AND VIEW TO, FROM OR ACROSS ANY STATE ROAD 429 RIGHT OF WAY PROPERTY WHICH MAY OTHERWISE ACCRUE TO ANY PROPERTY ADJOINING SAID RIGHT OF WAY.

CONTAINING 10.975 ACRES, MORE OR LESS.

I HEREBY CERTIFY THAT THIS LEGAL DESCRIPTION AND SKETCH IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. I FURTHER CERTIFY THAT THIS LEGAL DESCRIPTION AND SKETCH MEETS THE MINIMUM TECHNICAL STANDARDS AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO CHAPTER 472 OF THE FLORIDA STATUTES. SUBJECT TO NOTES AND NOTATIONS SHOWN HEREON.


RUSSELL J. MARKS, PSM NO. 5623

3/25/14
DATE

NOT VALID WITHOUT SIGNATURE AND ORIGINAL RAISED SEAL

FOR: ORLANDO ORANGE COUNTY EXPRESSWAY AUTHORITY

STATE ROAD 429

DESIGNED BY: RJM

DATE: 3/18/14

URS

URS CORPORATION
315 E. ROBINSON STREET
SUITE 245
ORLANDO, FL 32801-1949
PH (407) 422-0353
LICENSED BUSINESS NO. 6639

REVISIONS:

DRAWN BY: DJK

JOB NO:

APPROVED BY: RJM

OOCEA PROJECT NO: 429-204

SHEET: 1 OF 2

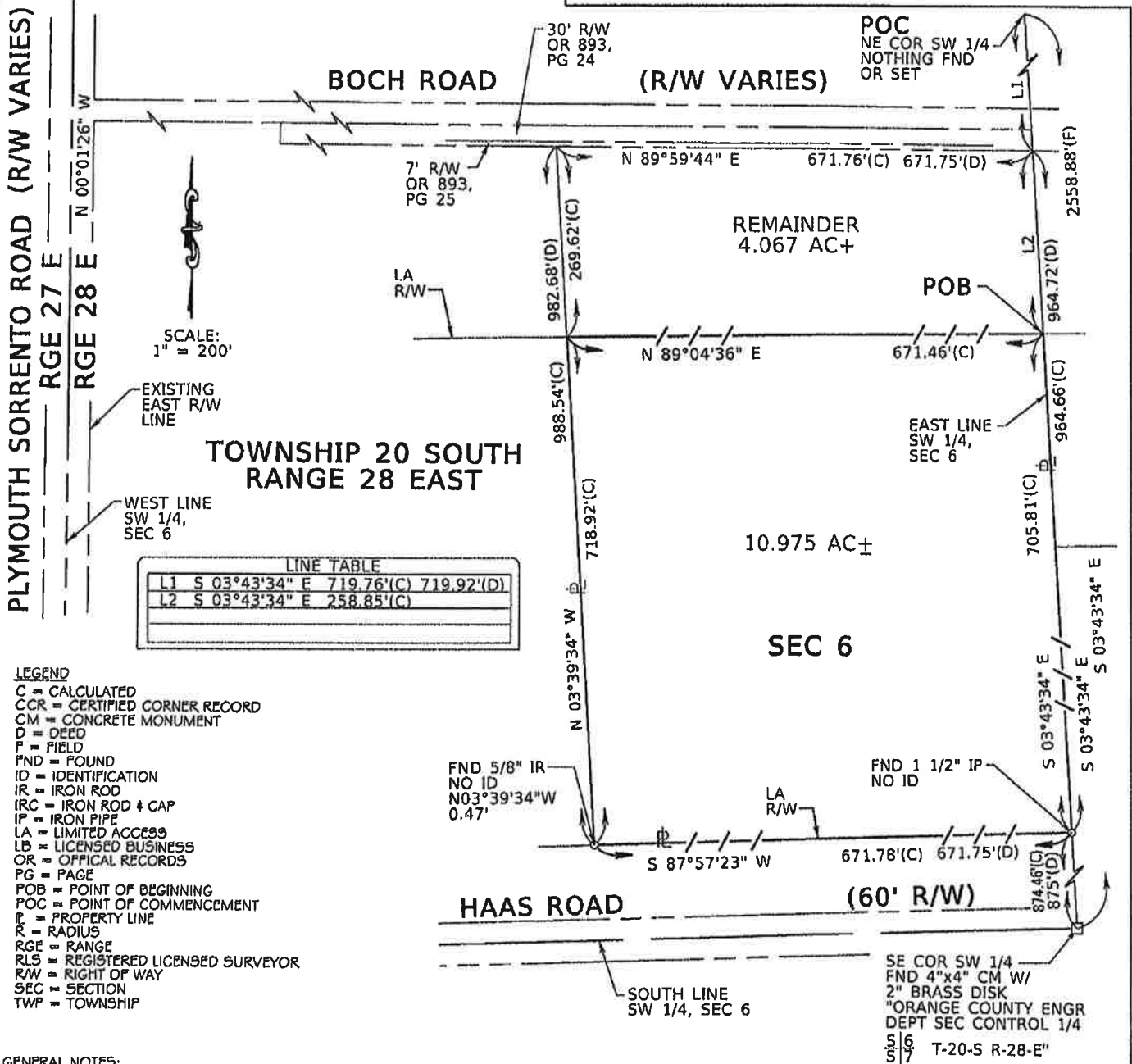
EXHIBIT "A"

SKETCH OF DESCRIPTION

PARCEL 280

PURPOSE: LIMITED ACCESS RIGHT OF WAY

ESTATE: FEE SIMPLE



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 WEST LINE OF THE SOUTHWEST 1/4 OF SECTION 6, TOWNSHIP 20 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA, HAVING A BEARING OF NORTH 00°01'26" 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 18, 2012, FILE NO. 2037-2840309 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: 3/18/14

DRAWN BY: DJK

JOB NO:

APPROVED BY: RJM

OOCEA PROJECT NO: 429-204

URS

URS CORPORATION
315 E. ROBINSON STREET
SUITE 245
ORLANDO, FL 32801-1949
PH (407) 422-0353
LICENSED BUSINESS NO. 6839

REVISIONS:

SHEET: 2 OF 2



Wekiva Parkway Project 429-204 Parcel 280
2604 Boch Road
Apopka, Florida



please make checks payable to:

m e i civil

964 Lake Baldwin Lane, Suite 200

Orlando, FL 32814

407-893-6894

fax 407-893-6851

bill to:

Harold A. Lassman, Esquire

Maguire Lassman, P.A.

605 E. Robinson Street, Suite 140

Orlando, Florida 32801

Invoice Date: 2/24/2016

Invoice Number: 191016H-1

Invoice Amount Due: **\$14,135.63**

**JOB: SR 429, Parcel 280
Ralph & Vernice Smith
Engineering Analysis**

Description	Hours	Rate	Fee	Total
Principal (GSM)	6.0	\$250.00	\$1,500.00	\$1,500.00
Senior Project Manager (KSH)	47.5	\$195.00	\$9,262.50	\$9,262.50
Senior Designer (JRR)	22.5	\$120.00	\$2,700.00	\$2,700.00
Subtotal				\$13,462.50
Expense (5%)				\$673.13
Total Fee Due				\$14,135.63

See attachment for detail.

Payment is due upon settlement of compensation for subject parcel.

EXHIBIT "D"

Work Descriptions for Glenna S. Morris, P.E.

191016H

Job Name *SR 429, Wekiva Parkway, P280, Smith*

<i>Date</i>	<i>Hours</i>	<i>Work Description</i>
2/4/2015	0.5	provide assistance with legal docs.
5/5/2015	1.5	mtg w/Owners, Experts for overview of case docs. Discussion of case
5/21/2015	2.0	review of plans, research
10/28/2015	1.0	review case info w/KSH, answer questions
11/4/2015	1.0	review PER
<i>Total Hours:</i>	<i>6.0</i>	

Work Descriptions for Kevin S. Hebert, PE

191016H

Job Name *SR 429, P280, Ralph & Vernice Smith*

<i>Date</i>	<i>Hours</i>	<i>Work Description</i>
10/27/2015	1.0	Prep and attend conf call
10/28/2015	2.0	Appraisal, plans, analysis
10/29/2015	7.5	Appraisal, plans, analysis, prep PER, maps, exhibits, etc.
10/30/2015	3.0	Appraisal, plans, analysis, PER, maps, exhibits cont.
11/2/2015	3.0	Prep and attend conf call
11/3/2015	1.0	Appraisal, plans, analysis, PER, maps, exhibits cont.
11/4/2015	9.0	Appraisal, plans, analysis, PER, maps, exhibits cont.
11/5/2015	4.0	Prep and attend conf call, appraisal, plans, analysis, PER, maps, exhibits cont.
11/9/2015	2.0	Prep and attend conf call, cost analysis, exhibits cont.
11/11/2015	1.0	Analysis, exhibits coord.
11/12/2015	1.0	Cost pro-rata analysis
11/13/2015	0.5	Cost pro-rata analysis cont.
11/14/2015	1.0	PER updates, exhibits, cont.
11/16/2015	2.0	PER updates, exhibits, cost, cont.
11/18/2015	0.5	PER updates, exhibits, cost, cont.
11/19/2015	1.0	PER updates
11/20/2015	0.5	PER updates, exhibits, cost, cont.
11/23/2015	0.5	Deliverables updates
2/4/2016	1.0	Interrogatories material review
2/18/2016	1.0	Material review in advance of upcoming legal dates
2/24/2016	3.0	Analysis and review of Development Potential Analysis report, density analysis
2/26/2016	2.0	Mediation prep and availability
<i>Total Hours:</i>	47.5	

Work Descriptions for John R. Russell

191016H

Job Name *Wekiwa Parkway P280 Smith*

<i>Date</i>	<i>Hours</i>	<i>Task</i>	<i>Work Description</i>
10/27/2015	1.5		Draft Roadway Plans - Shading & Hatching
10/28/2015	3.0		Draft Roadway Plans
10/28/2015	0.5		Draft Boundary & R/W
10/28/2015	1.0		Download & Review Appraisal
10/29/2015	2.5		UnCured Remainder Layout & Calculations
10/29/2015	1.5		Area of Take Layout & Calculations
10/29/2015	2.0		Before Conditions Layout & Calculations
10/30/2015	0.5		Check Plot & Review
10/30/2015	1.0		Review Updated FDOT Roadway Plans
10/30/2015	1.0		Compile Exhibits into Master & Plot Files
10/31/2015	1.0		USGS, FEMA, Aerial & Location Map Exhibits
11/11/2015	3.5		Retaining Wall Profile
11/12/2015	1.5		Retaining Wall Profile - Shading & Sheet Setup
11/12/2015	1.0		Engineer Comments
11/14/2015	0.5		Plot Progress Wall Profile Exhibits
11/18/2015	0.5		Revisions Per Engineer Comments
<i>Total Hours:</i>		22.5	



February 25, 2016

Mr. Raymer F. Maguire, III
Attorney at Law
Maguire Lassman, P.A.
605 E. Robinson Street, Suite 140
Orlando, FL 32801

RE: Project : Wekiva Parkway
County: Orange
Parcel : 280
Owner : Smith

INVOICE

Inspection of subject property and surrounding neighborhood. Research for and analysis of data. Research and analysis concerning condemnation blight. Research for sales data and analysis of damages due to the acquisition. Consultation with owner's attorney, and other experts regarding the ROW acquisition. Preparation of appraisal report. Update of research and analysis for mediation and trial.

Pendergast:	73.00 Hrs @ \$180.00/Hr . =	<u>\$13,140</u>
Total Invoice Amount		\$13,140

Thank you,

Gary M. Pendergast, MAI, President

SUMMARY OF SERVICES
(GARY M. PENDERGAST)

Parcel : 280
Project: Wekiva Parkway
Owner: Smith

<u>Date</u>	<u>Procedure</u>	<u>Time</u>
04/23/12	Consultation with owner's attorney. Analysis of data provided by owner's attorney.	.25
08/08/12	Review data provided by owner's attorney. Review preliminary design aerials and retention pond data. Consultation with owner's attorney.	.25
08/15/12	Research subject property data. Consultation with owner's attorney.	.25
08/17/12	Inspection of subject property and surrounding area. Review maps, plans, And aerials. Consultation with property owner and owner's attorney.	1.50
08/20/12	Research ownership details for the manufactured homes. Consultation with Property owner. Analysis of data.	1.00
10/09/12	Research and review history of Wekiva Parkway. Research neighborhood data.	1.00
11/06/12	Research and consultation regarding history of the subject property, improvements, annexations in the area, and other data.	.50
01/09/13	Consultation with other experts and property owners regarding condemnation valuation issues.	.25
03/21/13	Research and review project details and parcel information. Review preliminary design details provided by the Expressway. Consultation with property owner and owner's attorney regarding the taking and damage issues.	.75
05/02/13	Consultation and analysis with other experts.	.25
04/30/13	Review project data.	.25
01/13/14	Research and review status of nearby developments in the neighborhood and area.	1.00
02/27/14	Research and review current design plans for the project and parcel.	.50
03/20/14	Review expressway authority damage studies for small and large residential Properties. Analysis of sales data, OCPA data, aerials, maps, and plans.	1.25
07/21/14	Research and review of data provided by owner's attorney.	.50

SUMMARY OF SERVICES (Continued)
(GARY M. PENDERGAST)

Parcel : 280
Project: Wekiva Parkway
Owner: Smith

07/28/14	Inspection of subject property and neighborhood. Research and analysis of Property details and improvements. Analysis of area taken. Research OCPA Property details and search of history of property.	2.50
08/05/14	Review construction plans and aerial data. Consultation with engineer regarding utilities.	.50
08/20/14	Consultation with land planner regarding improvement data and highest and best use issues. Research regarding zoning and comprehensive plan.	.50
08/21/14	Consultation and research with land planner and engineer. Consultation with owner's attorney regarding valuation issues.	.50
08/22/14	Consultation with land planner regarding highest and best use issues. Research and analysis of data.	.25
08/27/14	Research and consultation regarding project influence and condemnation blight.	.50
09/04/14	Conference and consultation with land planner, engineer, and property owner.	.25
09/22/14	Consultation with other experts and owners regarding interim use issues.	1.00
09/29/14	Consultation regarding parent tract issues.	.25
10/10/14	Conference and research/analysis with engineer and planner regarding their preliminary findings concerning project history, land use issues, project influence, and blight issues.	.25
02/20/15	Analysis and consultation with Williams and Morris regarding damage issues.	.25
02/25/15	Analysis and consultation with other experts regarding the project and planning issues. Research for vacant land sales. Analysis of data.	1.50
02/26/15	Research for vacant land sales. Consultation with land planner.	1.25
03/16/15	Research for before and after land sales.	1.50
03/17/15	Review/Analysis of vacant land sales data.	2.00
04/13/15	Review data and reports provided by owner's attorney. Analysis of data.	1.00

SUMMARY OF SERVICES (Continued)
(GARY M. PENDERGAST)

Parcel : 280
Project: Wekiva Parkway
Owner: Smith

05/05/15	Consultation with land planner and owner's representative. Analysis of parent tract issues and highest and best use. Study of project influence. Consult with planner regarding land use issues.	1.00
06/11/15	Consultation with Katie Shannon and Jim Hall regarding planning data, interchange study, and future land use issues. Review interchange study, vision plan, and other data provided by land planner.	1.00
06/15/15	Analysis and consultation with other experts regarding condemnation blight, and project influence in area. Review project maps and plans. Review aerials and alternate route history. Research and review Wekiva Parkway Protection Act. Analysis of data provided in production request.	2.00
06/19/15	Review and analysis with planners Hall and Williams. Research aerials, maps, and plans. Consultation with experts.	.50
06/25/15	Research concerning the Wekiva Study Area and Wekiva Protection Act. Consultation with owner's Attorney. Analysis of data, maps, and aerials. Consultation with land planner concerning utility issues and locations.	.75
06/26/15	Consultation with Morris, Hall, and Williams, and owners attorney regarding condemnation blight issues. Review recent case law provided by owner's attorney.	.75
07/22/15	Research and consultation regarding planning documents from Hall's office. Highest and best use study. Review annexation ordinances, FLU element from 2002, property owner letters regarding Wekiva Study area, and other data.	1.00
08/10/10	Review data provided by owner's attorney.	.25
09/01/15	Analysis and review of preliminary data from planner Hall's office. Highest and best use study.	.50
09/17/15	Consultation and analysis with planner Williams.	.25
09/25/15	Analysis and review of data provided by planner Hall's office.	.25
10/01/15	Research for comparable sales data for the before and after valuation.	1.50
10/05/15	Research and analysis with other experts concerning the before and after conditions. Research for land sales data. Review aerials.	1.50

SUMMARY OF SERVICES (Continued)
(GARY M. PENDERGAST)

Parcel : 280
Project: Wekiva Parkway
Owner: Smith

10/29/15	Analysis and consultation with Hall, Shannon, and Williams regarding their findings and analyses. Review data provided. Research for sales data. Analysis and verification.	1.25
10/30/15	Research for before and after land sales data.	1.50
11/02/15	Research Microbase, MLS, Costar, public records and other sources. Analyses and verification. Inspection of sales data.	1.00
11/03/15	Damage study and analysis.	1.50
11/04/15	Damage study and analysis. Research for after condition sales.	1.00
11/05/15	Consultation with expert engineer and planner regarding utility locations and costs/issues. Review data provided by engineer Morris's office. Review preliminary data with Williams. Research for damage study.	1.00
11/06/15	Review, analysis, and verification of appraisal data.	1.00
11/09/15	Research, review and analysis of cost data for utilities, items in the take, and partial cure. Consultation with Williams and Hall regarding pro rata share utility costs. Verify with Morris. Analysis of data for report.	1.00
11/10/15	Consultation with attorney's office regarding exhibits and sales data. Verification of data. Study and analysis of appraisal issues and data.	.50
11/11/15	Consultation with engineer regarding ROW maps, and construction plans/details. Review dedication agreement and development agreement between owners in area. Research and analysis of appraisal data.	1.00
11/12/15	Verification of data. Consultation with planner Williams. Analysis of data. Consultation with engineer from Morris's office regarding items in the take. Review Williams data, Morris data, and Hall data. Research and analysis of sales data.	3.50
11/13/15	Research and analysis of damages. Inspection of data. Verification of data.	1.50
11/16/15	Review updated data from Morris. Appraisal analysis.	.50
11/17/15	Research and analysis of sales and cost data. Appraisal analysis. Consultation with engineer.	3.75

SUMMARY OF SERVICES (Continued)
(GARY M. PENDERGAST)

Parcel : 280
Project: Wekiva Parkway
Owner: Smith

11/18/15	Consultation with engineer from Morris's office regarding changes to engineering reports.	.25
12/03/15	Consultation regarding Expressway Authority reports.	.25
01/15/16	Research and consultation with other experts for rebuttal analysis. Review and analysis of data.	1.75
01/18/16	Research and analysis of documents in support of project influence and condemnation blight.	1.50
01/20/16	Review documents in preparation for mediation.	1.25
01/22/16	Research and consultation for rebuttal report.	.25
01/25/16	Review condemning authority appraisal report and data. Preparation of rebuttal report and analysis.	4.00
01/26/16	Review maps and data provided by land planner, in preparation for mediation and trial.	.50
01/27/16	Review rebuttal reports from condemning authority in preparation for mediation and trial.	1.00
02/05/16	Trial preparation. Outline and study of condemnation blight issues for owner's Attorney.	1.00
02/08/16	Research and study of condemnation blight for trial preparation.	1.50
02/10/16	Consultation with owner's attorney regarding project influence and valuation issues.	.25
02/12/16	Research and consultation with other experts regarding project influence and Condemnation blight.	.50
02/15/16	Research, analysis and review data. Update of research. Inspection and Verification of data. Appraisal analysis for final appraisal report.	<u>4.25</u>
	Total	73.00

WILLIAMS DEVELOPMENT SERVICES INC.

February 22, 2016

Mr. Raymer F Maguire III
Maguire Lassman PA
605 e. Robinson Street Suite 140
Orlando Fl. 32801

Subject: CFX v. Ralph and Vernice Smith
Parcel 280, Wekiva Parkway, Orange County
Land Planning and Development Permitting Analysis

Dear Mr. Maguire

The following invoice is for professional land planning services in the above described case. Your assistance in processing this invoice would be greatly appreciated. Entries marked with an (A) indicate times allocated on the same day between two or more cases.

DATE	SERVICES	HOURS
3-15-12	Meeting with attorney, retained in case, received initial work assignments	1.0
5-7-13	Site and neighborhood inspections	1.0 (A)
10-1-15		1.5 (A)
11-7-13	Attend Expressway Design Update meeting to determine impact to property	0.5 (A)
12-3-13	Review right of way and construction plans for impact to property	1.0
12-19-13	Collect and analyze background data on County Comprehensive Plan and Land	3.0
2-4-14	Development Code, City of Apopka Comprehensive Plan and Land Development	2.0
	Code, probability of annexation, reasonable probability of amending	
	Development Regulations, utility availability, physical characteristics of site	
1-14-14	Orange County Comprehensive Plan, FLUM and FLU Element	0.5(A)
1-28-14	City of Apopka Comprehensive Plan, FLUM and FLU Element (2020, 2030)	0.5(A)
11-2-14	Review and comment on Expressway appraisal by Integra and update from a	3.0
8-17-15	land planning and development permitting standpoint	1.5
9-4-14	Preparation for and attendance at team meeting of experts to report findings,	1.0(A)
10-5-15	Exchange information and coordinate work assignments	0.5(A)
11-5-15		0.5(A)
11-12-15		0.5(A)
8-20-15	Highest and best use analysis, damage analysis	1.5
10-20-15		2.5
10-22-15		2.0

920 S DELANEY AVE ORLANDO FL 32806 407 376 4792 EDW5654@BELLSOUTH.NET

WILLIAMS DEVELOPMENT SERVICES INC.

11-5-15	Review and comment on Morris Engineering reports, analysis and exhibits	1.5
11-9-15	Utility extension costs	0.5(A)

11-17-15	Review and comment on owner's appraisal by Prendergast from a land planning 2.0 And development permitting standpoint.	
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1-15-16	Prepare rebuttal report and review Expressway experts' rebuttal reports	1.0
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Subtotal: 29.0 Hours at \$250.00 per Hour

Total Due: \$7250.00

Submitted By:



Edward J Williams, President
Williams Development Services Inc.



Invoice

Please remit to:
Vanasse Hangen Brustlin, Inc.
101 Walnut Street, PO Box 9151 | Watertown, MA 02471
617.924.1770 F 617.924.2286

Raymer Maguire, Esq.
Fixel Maguire & Willis
1010 Executive Center Drive
Suite 121
Orlando, FL 32803

Invoice No: 0000001
February 29, 2016
VHB Project No: 61795.00

Invoice Total \$12,697.78

Professional Planning Services for Ralph A. & Vernice L. Smith

Professional Services Thru February 29, 2016

Professional Personnel

	Hours	Rate	Amount
Principal 1	14.00	250.00	3,500.00
Technical/Professional 11	.50	135.00	67.50
Technical/Professional 05	66.50	125.00	8,312.50
Technical/Professional 04	1.00	95.00	95.00
Technical/Support 5	1.50	95.00	142.50
Totals	83.50		12,117.50
Total Labor			12,117.50

Reimbursable Expenses

Printing	580.28	
Total Reimbursables	580.28	580.28

Total this Invoice \$12,697.78

Billings to Date

	Current	Prior	Total
Labor	12,117.50	0.00	12,117.50
Expense	580.28	0.00	580.28
Totals	12,697.78	0.00	12,697.78

ServicePoint Reprographics - VHB Billing Backup Report

Project Number: 61795.00

Period: 201304

Date	Location	Job Type	User	Total
3/18/2013	Orlando FL	OSS LASER PRINTING	CJackows	\$0.13
			Total	\$0.13



Archimedia Solutions Group - VHB Billing Backup Report
125 Liberty Street #301
Danvers, MA 01923

Project Number: 61795.00

Period: 201506

Date	Location	Job Type	User	Total
5/29/2015	Orlando FL	B/W Laser Printing	cpugh	\$0.13
5/5/2015	Orlando FL	B/W Laser Printing	katieshannon	\$0.13
5/22/2015	Orlando FL	B/W Laser Printing	katieshannon	\$0.26
5/5/2015	Orlando FL	Sm Fmt Color Printing	katieshannon	\$41.54
5/22/2015	Orlando FL	Sm Fmt Color Printing	katieshannon	\$8.53
5/27/2015	Orlando FL	Sm Fmt Color Printing	katieshannon	\$42.60
			Total	\$93.19



Archimedia Solutions Group - VHB Billing Backup Report
125 Liberty Street #301
Danvers, MA 01923

Project Number: 61795.00

Period: 201507

Date	Location	Job Type	User	Total
6/19/2015	Orlando FL	B/W Laser Printing	katieshannon	\$1.67
6/5/2015	Orlando FL	Sm Fmt Color Printing	katieshannon	\$18.12
6/8/2015	Orlando FL	Sm Fmt Color Printing	katieshannon	\$1.07
			Total	\$20.86



Archimedia Solutions Group - VHB Billing Backup Report
125 Liberty Street #301
Danvers, MA 01923

Project Number: 61795.00

Period: 201508

Date	Location	Job Type	User	Total
7/13/2015	Orlando FL	B/W Laser Printing	katieshannon	\$0.65
7/13/2015	Orlando FL	Sm Fmt Color Printing	katieshannon	\$214.07
		Total		\$214.72



Archimedia Solutions Group - VHB Billing Backup Report
125 Liberty Street #301
Danvers, MA 01923

Project Number: 61795.00

Period: 201510

Date	Location	Job Type	User	Total
8/31/2015	Orlando FL	Sm Fmt Color Printing	katleshannon	\$101.18
			Total	\$101.18



Archimedia Solutions Group - VHB Billing Backup Report
125 Liberty Street #301
Danvers, MA 01923

Project Number: 61795.00

Period: 201512

Date	Location	Job Type	User	Total
11/4/2015	Orlando FL	Sm Fmt Color Printing	katieshannon	\$63.90
11/5/2015	Orlando FL	Sm Fmt Color Printing	katieshannon	\$1.07
			Total	\$64.97



Archimedia Solutions Group - VHB Billing Backup Report
125 Liberty Street #301
Danvers, MA 01923

Project Number: 61795.00

Period: 201513

Date	Location	Job Type	User	Total
11/20/2015	Orlando FL	B/W Laser Printing	katieshannon	\$0.52
11/20/2015	Orlando FL	Sm Fmt Color Printing	katieshannon	\$31.95
		Total		\$32.47



101 Walnut Street
P. O. Box 9151
Watertown, MA 02471
617-924-1770
FAX 617-924-2286

Vanasse Hangen Brustlin, Inc.

Invoice

Billing Period thru 02/29/16
Project No.: 61795.00
Project Title: Planning Services for Ralph A. & Vernice L. Smith

HALL

06/11/15	1.0 Hr.	New project number/contract created for Ballings case
06/19/15	1.0 Hr.	Meeting with Maguire/Lassman
07/01/15	1.0 Hr.	Drafting of DPA – review of environmental conditions
07/13/15	1.0 Hr.	Drafting of DPA – review of site conditions
07/17/15	1.0 Hr.	Gave Shannon directions on City of Apopka visit
07/31/15	1.0 Hr.	Revisions to DPA
09/14/15	1.0 Hr.	Reviewed Business Analyst data for DPA
09/25/15	0.5 Hr.	Coordination with client
10/29/15	0.5 Hr.	Tele conference with client
10/30/15	0.5 Hr.	Revisions to DPA with Shannon
11/03/15	1.0 Hr.	Revisions to DPA with Shannon
11/04/15	0.5 Hr.	Revisions to DPA with Shannon
11/06/15	0.5 Hr.	Review of Team meeting
11/06/15	0.5 Hr.	review of engineering doc
11/09/15	0.5 Hr.	Revisions to DPA per engineering doc
11/13/15	1.0 Hr.	Tele conference with Maguire/Lassman and project team
11/17/15	0.5 Hr.	Coordination with appraiser
01/20/16	1.0 Hr.	Review of Comp sales document
02/25/16	1.0 Hr.	Review of tele conference with Shannon
02/26/16	0.5 Hr.	Review invoices

CARRAGHER

11/19/13	0.5 Hr.	Contract
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SHANNON

05/05/15	3.0 Hrs.	Reviewed property appraisal data, new docs sent via Raymer; conference call with Raymer; started DPA
05/08/15	0.5 Hrs.	Updates to GIS maps
05/22/15	4.0 Hrs.	Started GIS Map series - neighborhood aerial, site aerial, environmental conditions



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Vanasse Hangen Brustlin, Inc.

Invoice

Billing Period thru 02/29/16

Project No.: 61795.00

Project Title: Planning Services for Ralph A. & Vernice L. Smith

SHANNON – Con't

05/26/15	2.5 Hrs.	Added information from the property appraiser's website about the Smith property, as well as a Wekiva Parkway exhibit
05/27/15	2.5 Hrs.	Updated DPA with relevant market trend information
06/04/15	3.0 Hrs.	Updated DPA with environmental conditions analysis and traffic analysis.
06/05/15	1.5 Hrs.	Edits made to DPA - FLU policies, overall edits on subject property
06/11/15	2.5 Hrs.	Prepped DPA for meeting with Raymer - focus on before Wekiva legislation condition - meeting with Raymer
06/17/15	3.5 Hrs.	Rewrote primer in market analysis with relevant information pulled from the City's transportation element in the Comprehensive Plan, as well as a development analysis over the last 20 years
06/18/15	0.5 Hr.	Referenced PD&E Study for the Wekiva Parkway
06/19/15	3.5 Hrs.	Revisions to market analysis and development history to include analysis of Plymouth-Sorrento being developed as the main arterial; edited these sections of the DPA, phone telly with Raymer/Gary/Jim/Ed
07/10/15	2.5 Hrs.	Made updates to report - revised pre-post condition, amendment potential, etc.
07/13/15	2.5 Hrs.	Revisions to DPA - consideration of RS FLU Designation in the City of Apopka after annexation and future zoning amendment to RCE-1 to accommodate for higher densities on the subject property
07/17/15	4.0 Hrs.	Drove to City of Apopka to meet with Planning Staff and review old Annexations, FLU/Zoning Amendments, etc. Relevant information to all other WPPA cases
08/31/15	2.5 Hrs.	Updated graphics for DPA, including alternative FLU based off of Plymouth Sorrento Developed as the main arterial.
09/01/15	0.5 Hr.	Meeting with Raymer and Ed Williams
09/14/15	2.5 Hrs.	Ran new business analyst report to show blighted market trends in 1 mile radius surrounding the parkway.
09/15/15	1.0 Hr.	Meeting with Ed Williams/Jim
09/17/15	1.0 Hr.	Meeting with Raymer & Pendergast about report
10/01/15	0.5 Hr.	Meeting with Raymer
10/30/15	1.5 Hrs.	Revisions to DPA
11/02/15	3.5 Hrs.	Revisions to DPA
11/03/15	2.5 Hrs.	Revisions to DPA
11/04/15	2.0 Hrs.	Revisions to DPA



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Vanasse Hangen Brustlin, Inc.

Invoice

Billing Period thru 02/29/16
Project No.: 61795.00
Project Title: Planning Services for Ralph A. & Vernice L. Smith

SHANNON – Con't

11/05/15	0.5 Hrs.	Meeting with Maguire, Pendergast, Ed, Jim
11/06/15	0.5 Hrs.	Meeting with Raymer/Gary/Glenna
11/13/15	2.0 Hrs.	Conference call/revisions to DPA
01/04/16	0.5 Hr.	Organized all files
01/12/16	1.0 Hr.	Conference call with Sam Middleton/email correspondence on City Planning docs related to old FLU designations/concept plans
01/15/16	0.5 Hr.	tele with Gary, Ted, Sam, Raymer, Harold to discuss graphics for comp sales analysis
01/20/16	2.5 Hrs.	Conference call; Comps analysis
01/21/16	1.5 Hrs.	research on 2000 NW Study Area Concept Plan
02/24/16	0.5 Hr.	tele conference

DAVIS

11/13/15	1.0 Hr.	Revisions to DPA given Business Analyst Data
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JOHNSON

01/19/16	4.0 Hrs.	Comp map and GIS revisions
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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: 2015-CA-001150-O

Subdivision 39

Petitioner,

vs,

HAFEEZ R. ALI,

.....
RALPH A. SMITH AND VERNICE L. SMITH,
TRUSTEES UNDER THAT UNRECORDED
REVOCABLE TRUST AGREEMENT
ENTITLED THE SMITH FAMILY REVOCABLE
LIVING TRUST DATED NOVEMBER 28, 2000,
et al,

Parcel 280

Respondents.

MEDIATED SETTLEMENT AGREEMENT

At the Mediation Conference held on February 26, 2016, the parties reached the following Settlement Agreement:

1. Petitioner will pay to Respondents, **RALPH A. SMITH AND VERNICE L. SMITH, TRUSTEES UNDER THAT UNRECORDED REVOCABLE TRUST AGREEMENT ENTITLED THE SMITH FAMILY REVOCABLE LIVING TRUST DATED NOVEMBER 28, 2000**, ("Respondent") the sum of Six Hundred Fifty-Seven Thousand Dollars (\$657,000), in full settlement of all claims for compensation from Petitioner resulting from the taking of Parcel 280, subject to apportionment.

2. Petitioner is entitled to a credit in the amount of Four Hundred Forty-Two Thousand Dollars (\$442,000), 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 Two Hundred Fifteen Thousand Dollars (\$215,000), 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.

EXHIBIT "E"



4. In addition to the settlement amount referenced in Paragraph 1 of this Settlement Agreement, Petitioner will pay to the Registry of the Court the sum of Seventy-Six Thousand One Hundred Ninety-Seven Dollars (\$76,197) in full settlement and satisfaction of all attorney's fees, including all fees related to monetary benefits, non-monetary benefits, and all law firm litigation costs in this case, but excluding supplemental proceedings related to apportionment, if any.

5. In addition to the above-referenced settlement sum and the above-referenced attorney's fees and law firm litigation costs, Petitioner will pay the sum of Thirty-Eight Thousand, Six Hundred Ninety-Six and 79/100 Dollars (\$38,696.70), in full settlement and satisfaction of all expert witness fees and expert witness costs incurred by Respondent in this case, subject to review and confirmation that each invoice submitted by Respondent's experts was necessary and reasonable, as follows:

MEI Civil, Inc.	\$12,015.29
Florida Real Estate Analysts, Inc.	\$11,169.00
Williams Development Services, Inc.	\$ 6,162.50
VHB MillerSellen	\$ 9,350.00

Counsel for Respondent shall provide the experts' invoices and any additional backup within five (5) days. The above-referenced settlement with VHB MillerSellen is contingent upon receiving its invoice within five (5) days of the date hereof in an amount no less than \$11,000.00.

6. 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.

7. The parties agree to continue the trial of this matter pending review by the CFX ROW Committee and CFX Board.

8. 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 practical after the approval of this mediated settlement agreement by the CFX Board. The Stipulated Final Judgment will include a sentence that states that the portion of the Wekiva Parkway as to Parcel 280 will be built in substantial conformance with the construction plans filed in this case. Respondent will have the same rights as set forth in the *Wye River* case

9. This Agreement resolves all claims whatsoever, including claims of compensation arising from the taking of Parcel 280, such as severance damages, business damages, tort damages, interest, attorney's fees, expert fees, costs, and any other claim.

10. The parties agree to waive any confidentiality provisions set forth in Chapter 44 of Florida Statutes, the Florida Rules of Civil Procedure, and the Florida Rules of Evidence, if

applicable, for the limited purpose of consideration of this proposed Settlement Agreement by the ROW Committee and the CFX Board. This Settlement Agreement, executed by the parties and their counsel on February 26, 2016, contains all of the agreements of the parties.

11. Respondent represents and warrants that she has the power to act on behalf of the Unrecorded Revocable Trust Agreement Entitled The Smith Family Revocable Living Trust dated November 28, 2000.


12. Respondent reserves the right to pursue claims related to possible future damage to her dishes or curios caused by the construction of the Wekiva Parkway.



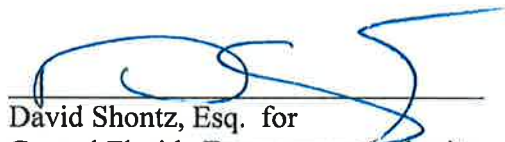
Linda Brehmer Lanosa, Esq. for
Central Florida Expressway Authority



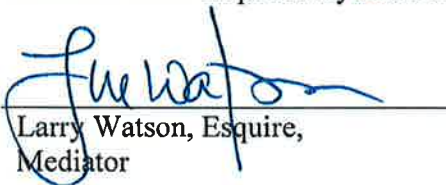
Vernice L. Smith, As Trustee, Under That
Unrecorded Revocable Trust Agreement
Entitled The Smith Family Revocable
Living Trust dated November 28, 2000



Vernice L. Smith, Power of Attorney or
Successor Trustee, on behalf of
Ralph A. Smith, As Trustee, Under That
Unrecorded Revocable Trust Agreement
Entitled The Smith Family Revocable
Living Trust dated November 28, 2000,



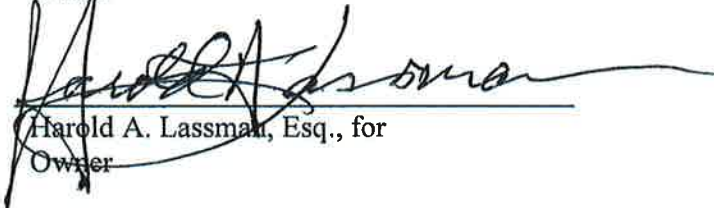
David Shontz, Esq. for
Central Florida Expressway Authority



Larry Watson, Esquire,
Mediator



Raymer F. Maguire III, Esq., for
Owner



Harold A. Lassman, Esq., for
Owner