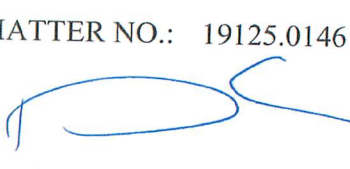




MEMORANDUM

TO: Central Florida Expressway Authority Board Members
FROM: David A. Shontz, Esq., Right-of-Way Counsel
DATE: March 28, 2016
RE: State Road 429 Wekiva Parkway, Project 429-205; Parcel 285
Proposed Mediated Settlement Including Fees and Costs

CLIENT-MATTER NO.: 19125.0146

A handwritten signature in blue ink, appearing to be "D. Shontz", is written over the "FROM:" line and extends into the "CLIENT-MATTER NO." field.

Shutts & Bowen LLP, Right-of-Way Counsel, seeks the approval by the Board of a proposed mediated settlement between Mary Michelle Ashburn Ballings, (the "Owner") and the Central Florida Expressway Authority (the "CFX") for the acquisition of Parcel 285 (the "Taking" or "Property") for the construction of State Road 429 Wekiva Parkway, Project 429-205.

DESCRIPTION AND BACKGROUND

Parcel 285 is a fee simple acquisition of 2.288 acres, more or less, from property located between Boch Road to the north and Haas Road to the south, east of Plymouth Sorrento Road in Orange County, Florida. The remainder property consists of approximately 2.341 acres with frontage on Boch Road. A 2-bedroom, 2-bath manufactured home, consisting of 840± square feet, is located on the property. The home was built in 1977 and is utilized as a rental unit, vacant at the time of inspection by the appraiser.

The Property is zoned A-2, Farmland Rural District which provides for residential and agricultural uses. The future land use designation is AG, Agricultural, by Orange County. The highest and best use of the property as vacant was determined to be to hold for future development as agricultural/residential use. The highest and best use as improved is a single-family rental on an interim basis.

The CFX's appraisal of the property was prepared by Christopher D. Starkey, MAI, of Integra Realty Resources - Orlando. Mr. Starkey used a sales comparison approach to estimate the land value and an income capitalization approach to estimate the contributory value for the interim use of the improvements. Mr. Starkey used comparable sales with an adjusted range of \$26,607 to \$31,372 per acre, with a concluded value of \$29,400 per acre.

Mr. Starkey also utilized the income capitalization approach to estimate the contributory value of the improvements. Asking rents in the area ranged from \$525 to \$1,100, with the average being \$885. Based upon discussion with the property owner and a review of comparable rentals, Mr. Starkey opined the rental value at \$700 per month. With a projected 7-year holding period for the interim improvements, the present value of the improvements is considered to be \$30,223, rounded to \$30,225.

After the taking, the remainder property will not be as compatible to agricultural/residential development and the proximity to the limited access right-of-way results in an additional diminution of 30% for the remainder land for which Mr. Starkey opines the resulting land value of \$20,580 per acre.

A minor cost to cure to replace fencing to maintain the functionality of the remainder is valued at \$541. Thus, Mr. Starkey opines the value of the taking is \$99,641, rounded to \$99,650, consisting of \$71,650 for the part taken, \$27,450 for damages to the remainder, and \$541 for the cost to cure.

Gary Pendergast, MAI, of Florida Real Estate Analysts, Inc., prepared the appraisal report for the Respondent. Based upon information from land planners Ed Williams and Jim Hall, Mr. Pendergast opined the future land use would designate the subject property as Agricultural, but would allow a more intense potential. Based upon similar developments, a density of near 3 units per acre is most likely, and the property most likely would be assembled with other tracts to encompass a larger development area.

Mr. Pendergast utilized seven (7) comparable land sales ranging in value from \$45,732 to \$95,420 per acre, arriving at a valuation of \$59,300 per acre for the subject property or \$135,700 for the land taken. Mr. Pendergast opined the remainder property was damaged 69% by the proximity of the Wekiva Parkway. Thus, Mr. Pendergast estimates the compensation due the Respondent at \$216,000, consisting of \$137,500 for land taken and \$80,300 damages to the remainder.

This matter was schedule 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 \$147,500 as full settlement of all claims for compensation by the property owner, plus statutory attorney's fees totaling \$17,160, plus reduced expert fees and costs totaling \$31,105.86.

For the above-cited reasons, Right-of-Way counsel requests the CFX Board approve the mediated settlement in the amount of \$147,500, plus attorney's fees and costs and experts' fees and costs totaling \$48,265.86, 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 285.

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


RECOMMENDATION

We respectfully request that the CFX Board approve the proposed settlement agreement with a total settlement of \$195,765.86 in full settlement of all claims for compensation in the acquisition of Parcel 285, 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 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: _____



ORLDOCS 14588984 1

ORLANDO ORANGE COUNTY
EXPRESSWAY AUTHORITY
STATE ROAD 429
PROJECT NO. 429-205

PARCEL NO. 285
PURPOSE: LIMITED ACCESS RIGHT-OF-WAY
ESTATE: FEE SIMPLE

LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND LYING IN SECTION 6, TOWNSHIP 20 SOUTH, RANGE 28 EAST, ORANGE COUNTY, FLORIDA; BEING A PORTION OF THE WEST 1/4 OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 6 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHEAST 1/4 OF SECTION 6, TOWNSHIP 20 SOUTH, RANGE 28 EAST, ORANGE COUNTY, FLORIDA, BEING A FOUND 4"X4" CONCRETE MONUMENT WITH A 2" BRASS DISK STAMPED "ORANGE COUNTY ENGR. DEPT. SEC. CONTROL 1/4 5/6/5/7 T20 S R28E"; THENCE NORTH 03°43'34" WEST ALONG THE WEST LINE OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 6, A DISTANCE OF 1279.55 FEET TO A POINT ON THE SOUTH LINE OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 6 AND THE POINT OF BEGINNING; THENCE CONTINUE NORTH 03°43'34" WEST ALONG SAID WEST LINE, A DISTANCE OF 300.72 FEET TO A POINT; THENCE DEPARTING SAID WEST LINE, RUN NORTH 89°04'36" EAST, A DISTANCE OF 331.91 FEET TO A POINT ON THE EAST LINE OF THE WEST 1/4 OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 6; THENCE SOUTH 03°42'12" EAST ALONG SAID EAST LINE, A DISTANCE OF 300.77 FEET TO A POINT ON THE AFORESAID SOUTH LINE; THENCE DEPARTING SAID EAST LINE, RUN SOUTH 89°05'11" WEST ALONG SAID SOUTH LINE, A DISTANCE OF 331.79 FEET TO 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 2.288 ACRES, MORE OR LESS.

SEE SHEET 2 FOR SKETCH OF DESCRIPTION
SEE SHEET 3 FOR GENERAL NOTES AND LEGEND

SHEET 1 OF 3

FOR: ORLANDO-ORANGE COUNTY
EXPRESSWAY AUTHORITY

DATE: APRIL 11, 2013

PROJECT NO.: P04-04

DRAWN: DPW CHECKED: JMS

**STATE ROAD 429
OOCEA PROJECT NO. 429-205
PARCEL NO. 285**



GEODATA CONSULTANTS, INC.

SURVEYING & MAPPING

2700 WESTHALL LANE

SUITE 137

MAITLAND, FLORIDA 32751

VOICE: (407) 660-2322 FAX: 660-8223

LAND SURVEYOR BUSINESS LICENSE NO. 6556

EXHIBIT "A"

SKETCH OF DESCRIPTION

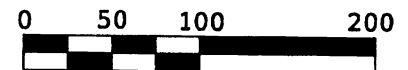
SECTION 6,
TOWNSHIP 20 SOUTH,
RANGE 28 EAST

BOCH ROAD
(60' R/W)

CITY OF
APOPKA

285

AREA TAKEN=2.288 ACRES±
AREA REMAINING=2.341 ACRES±



Scale: 1" = 100'

SHEET 2 OF 3

SEE SHEET 1 FOR LEGAL DESCRIPTION
SEE SHEET 3 FOR GENERAL NOTES AND LEGEND

FOR: ORLANDO-ORANGE COUNTY
EXPRESSWAY AUTHORITY

DATE: APRIL 11, 2013

PROJECT NO.: P04-04

DRAWN: DPW CHECKED: JMS

STATE ROAD 429
OOCEA PROJECT NO. 429-205
PARCEL NO. 285



GEODATA CONSULTANTS, INC.

SURVEYING & MAPPING

2700 WESTHALL LANE

SUITE 137

MAITLAND, FLORIDA 32751

VOICE: (407) 660-2322 FAX: 660-8223

LAND SURVEYOR BUSINESS LICENSE NO. 6556

NW COR OF THE NE 1/4
OF SECTION 6-20-28
FND 6"x6" CM
W/ NAIL NO ID
CCR 047899

STA 415+05.18
458.53' LT(F)
FND 2" IP
NO ID
0.34'N, 0.52'W(F)

30' INGRESS/EGRESS EASEMENT
PER ORB 6147, PG 724

30' R/W PER
ORB 2956, PG 592

30' R/W PER
ORB 2956, PG 593

N89°32'33"E 332.18'(F) 332.41'(D)

APPROXIMATE CITY
LIMITS LINE

30' INGRESS/EGRESS EASEMENT
PER ORB 4000, PG 3102

8' FPC EASEMENT
PER ORB 1710, PG 31

STA 418+37.35
455.83' LT(F)
FND 1 1/2" IP NO ID
FND 1/2" IR NO ID
0.01'N, 0.40'E(F)
FND 1" ANGLE IRON IN
8" CONC FOOTER NO ID
0.51'S, 0.39'E(F)

E LINE OF W 1/4
OF NW 1/4 OF SE 1/4

5210.51'(F)
609.81'(D)
N03°43'34"W
609.62'(F)

308.90'(C)
300.72'(C)
W LINE OF NW 1/4 OF SE 1/4

N89°04'36"E 331.91'(C)
LA R/W LINE

306.19'(C)
606.96'(F) 607.16'(D)
503°42'12"E
300.77'(C)

P.O.B.
STA 415+34.99
150.36' RT(F)
FND 4"x4" CM
"PRM IW&G PCP RLS 1585"
FND 1" IP NO ID
LEANING SLIGHTLY NE
0.55'N, 0.10'E(F)

P.O.C.
SW COR OF THE SE 1/4
OF SECTION 6-20-28
FND 4"x4" CM W/ 2" BRASS DISK
"ORANGE COUNTY ENGR. DEPT. SEC.
CONTROL 1/4 5/6/5/7 T20 S R28E"
CCR 47907

S LINE OF NW 1/4
OF SE 1/4
S89°05'11"W 331.79'(F)

LA R/W LINE
APPROXIMATE CITY
LIMITS LINE

332.01'(D)

STA 418+66.78
150.41' RT(F)
FND 4"x4" CM W/ N&D
"PRM IW&G PCP RLS 1585"

SKETCH OF DESCRIPTION

LEGEND AND ABBREVIATIONS


(C)	= CALCULATED	LA	= LIMITED ACCESS
(D)	= DEED	LT	= LEFT
(F)	= FIELD	N&D	= NAIL AND DISK
CCR	= CERTIFIED CORNER RECORD	N:	= NOTHING
CM	= CONCRETE MONUMENT	NO.	= NUMBER
COR	= CORNER	ORB	= OFFICIAL RECORDS BOOK
DB	= DEED BOOK	PL	= PROPERTY LINE
E:	= EASTING	PG	= PAGE
FND	= FOUND	P.O.B.	= POINT OF BEGINNING
FPC	= FLORIDA POWER CORPORATION	P.O.C.	= POINT OF COMMENCEMENT
ID	= IDENTIFICATION	RT	= RIGHT
IP	= IRON PIPE	R/W	= RIGHT OF WAY
IR	= IRON ROD	STA	= STATION
IRC	= IRON ROD AND CAP	W/	= WITH

GENERAL NOTES:

1. THE PURPOSE OF THIS SKETCH IS TO DELINEATE THE DESCRIPTION ATTACHED HERETO. THIS DOES NOT REPRESENT A BOUNDARY SURVEY.
2. THE BEARINGS SHOWN HEREON ARE RELATIVE TO THE FLORIDA STATE PLANE COORDINATE SYSTEM, NORTH AMERICAN DATUM OF 1983/2007 ADJUSTMENT (NAD83/07), EAST ZONE, WITH THE WEST LINE OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 6, TOWNSHIP 20 SOUTH, RANGE 28 EAST, HAVING A BEARING OF NORTH 03°43'34" WEST.
3. UNLESS IT BEARS THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER, THIS SKETCH IS FOR INFORMATIONAL PURPOSES ONLY.
4. THIS SKETCH MAY HAVE BEEN REDUCED IN SIZE BY REPRODUCTION. THIS MUST BE CONSIDERED WHEN OBTAINING SCALED DATA.
5. A CERTIFICATE OF TITLE INFORMATION PREPARED BY FIRST AMERICAN TITLE INSURANCE COMPANY DATED OCTOBER 18, 2012, FILE NO. 2037-2840317, WAS REVIEWED BY THE SURVEYOR. EXCEPTIONS LISTED THEREIN (IF ANY) WHICH AFFECT THE PARCEL DESCRIBED HEREON, WHICH CAN BE DELINEATED OR NOTED, ARE SHOWN HEREON.
6. CITY LIMITS SHOWN HEREON ARE TAKEN FROM THE ORANGE COUNTY GEOGRAPHIC INFORMATION SYSTEM SITE AND ARE APPROXIMATE.
7. ALL RECORDING REFERENCES SHOWN ON THIS SKETCH REFER TO THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, UNLESS OTHERWISE NOTED.
8. THIS SKETCH IS NOT A SURVEY.

SEE SHEET 1 FOR LEGAL DESCRIPTION
SEE SHEET 2 FOR SKETCH OF DESCRIPTION

SHEET 3 OF 3

				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 51-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO CHAPTER 472 OF THE FLORIDA STATUTES, SUBJECT TO NOTES AND NOTATIONS SHOWN HEREON.	
				11-21-13	
REVISED PER COMMENTS		DPW	05/23/2013	H. Paul deVivero, Professional Land Surveyor No. 4990	
REVISION		BY	DATE	DATE	
FOR: ORLANDO-ORANGE COUNTY EXPRESSWAY AUTHORITY		STATE ROAD 429 OOCEA PROJECT NO. 429-205 PARCEL NO. 285		 GEODATA CONSULTANTS, INC. SURVEYING & MAPPING 2700 WESTHALL LANE SUITE 137 MAITLAND, FLORIDA 32751 VOICE: (407) 660-2322 FAX: 660-8223 LAND SURVEYOR BUSINESS LICENSE NO. 6556	
DATE: APRIL 11, 2013					
PROJECT NO.: P04-04					
DRAWN: DPW CHECKED: JMS					



Wekiva Parkway Project 429-205 Parcel 285
2486 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: 191023H-1

Invoice Amount Due: **\$9,925.13**

JOB: SR 429, Parcel 285

Ballings

Engineering Analysis

Description	Hours	Rate	Fee	Total
Principal (GSM)	2.5	\$250.00	\$625.00	\$625.00
Senior Project Manager (KSH)	30.5	\$195.00	\$5,947.50	\$5,947.50
Senior Designer (JRR)	24.0	\$120.00	\$2,880.00	\$2,880.00
Subtotal				\$9,452.50
Expense (5%)				\$472.63
Total Fee Due				\$9,925.13

See attachment for detail.

Payment is due upon settlement of compensation for subject parcel.

EXHIBIT "D"

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

191023H

Job Name *SR 429, Wekiva Parkway, P285, Ballings*

<i>Date</i>	<i>Hours</i>	<i>Work Description</i>
10/27/2015	1.0	review case w/KSH
10/29/2015	1.5	provide input on development potential, utilities
<i>Total Hours:</i>	2.5	

Work Descriptions for Kevin S. Hebert, PE

191023H

Job Name SR 429, Par 285, Ballings

<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	1.5	Appraisal, plans, analysis, prep PER, maps, exhibits, etc.
10/30/2015	1.0	Appraisal, plans, analysis, PER, maps, exhibits cont.
11/2/2015	4.0	Prep and attend conf call, appraisal, plans, analysis, PER, maps, exhibits cont.
11/3/2015	0.5	Appraisal, plans, analysis, PER, maps, exhibits cont.
11/4/2015	2.0	Appraisal, plans, analysis, PER, maps, exhibits cont.
11/5/2015	2.5	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.
11/20/2015	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>	30.5	

Work Descriptions for John R. Russell

191023H

Job Name *Wekiva Parkway P285 Ballings*

<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	1.5		Area of Take Layout & Calculations
10/29/2015	2.0		Before Conditions Layout & Calculations
10/29/2015	2.5		UnCured Remainder Layout & Calculations
10/30/2015	1.0		Review Updated FDOT Roadway Plans
10/30/2015	0.5		Check Plot & Review
10/30/2015	1.0		Compile Exhibits into Master & Plot Files
10/31/2015	1.0		USGS, FEMA, Aerial & Location Map Exhibits
11/3/2015	1.5		Review Parent Tract Boundary & Easements from FDOT Survey
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
11/16/2015	0.5		Revisions Per Engineer Comments
<i>Total Hours:</i>		24.0	



FLORIDA REAL ESTATE ANALYSTS, INC.

Appraisal & Consultation

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 : 285
Owner : Ballings

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:	71.50 Hrs @ \$180.00/Hr . =	<u>\$12,870</u>
Total Invoice Amount		\$12,870

Thank you,

Gary M. Pendergast, MAI, President

SUMMARY OF SERVICES
(GARY M. PENDERGAST)

Parcel : 285
Project: Wekiva Parkway
Owner: Ballings

<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 home. Consultation with property owner. Analysis of data.	.50
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 : 285
Project: Wekiva Parkway
Owner: Ballings

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.	1.50
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 : 285
Project: Wekiva Parkway
Owner: Ballings

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 : 285
Project: Wekiva Parkway
Owner: Ballings

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 : 285
Project: Wekiva Parkway
Owner: Ballings

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	71.50

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. Mary M. Balling
Parcel 285, 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 makes with an (A) Indicate times allocated on the same day between two or more cases.

DATE	SERVICES	HOURS
5-14-14	Meeting with attorney, retained in case, received initial work assignments	1.0
7-31-14	Site and neighborhood inspections	1.0
10-1-15		1.5 (A)
8-6-14	Review right of way and construction plans for impact to property	1.0
9-9-14	Collect and analyze background data on County Comprehensive Plan and Land	2.0
9-10-14	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	
9-11-14	Orange County Comprehensive Plan, FLUM and FLU Element	0.5(A)
9-16-14	City of Apopka Comprehensive Plan, FLUM and FLU Element (2020, 2030)	0.5(A)
10-22-14	Review and comment on Expressway appraisal by Integra from a land planning and development permitting standpoint	3.2
8-20-14	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)
2-26-15	Highest and best use analysis, damage analysis	2.0
10-26-15		2.0
10-29-15		1.0

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

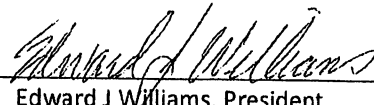
WILLIAMS DEVELOPMENT SERVICES INC.

11-5-15	Review and comment on Morris Engineering reports, analysis and exhibits	1.5
11-9-15	Utility extension costs	0.5(A)
1-15-16	Prepare rebuttal report and review Expressway experts' rebuttal reports	1.0

Subtotal: 23.2 Hours at \$250.00 per Hour

Total Due: \$5,800.00

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**

March 10, 2016

VHB Project No: 61561.00

Invoice Total \$9,668.07

Ballings and Smith / Expressway Authority / SR 429 Extension

Professional Services Thru February 27, 2016

Professional Personnel

	Hours	Rate	Amount
Principal 1	15.00	250.00	3,750.00
Technical/Professional 07	4.50	125.00	562.50
Technical/Professional 06	1.50	125.00	187.50
Technical/Professional 05	31.50	125.00	3,937.50
Technical/Professional 04	9.00	95.00	855.00
Technical/Support 5	1.50	95.00	142.50
Totals	63.00		9,435.00
Total Labor			9,435.00

Reimbursable Expenses

Printing	233.07
Total Reimbursables	233.07

Total this Invoice \$9,668.07

Billings to Date

	Current	Prior	Total
Labor	9,435.00	0.00	9,435.00
Expense	233.07	0.00	233.07
Totals	9,668.07	0.00	9,668.07

ServicePoint Reprographics - VHB Billing Backup Report

Project Number: 87102.10

Period: 201012

Date	Location	Job Type	User	Total
11/4/2010	Orlando FL	OSS LASER PRINTING	CJackows	\$1.56
			Total	\$1.56

ServicePoint Reprographics - VHB Billing Backup Report

Project Number: 61561.00

Period: 201211

Date	Location	Job Type	User	Total
10/9/2012	Orlando FL	OSS LASER PRINTING	CJackows	\$1.28
			Total	\$1.28

ServicePoint Reprographics - VHB Billing Backup Report

Project Number: 61561.00

Period: 201304

Date	Location	Job Type	User	Total
3/18/2013	Orlando FL	OSS LASER PRINTING	CJackows	\$0.26
			Total	\$0.26



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

Project Number: 61561.00

Period: 201512

Date	Location	Job Type	User	Total
11/2/2015	Orlando FL	Sm Fmt Color Printing	katieshannon	\$71.37
11/3/2015	Orlando FL	Sm Fmt Color Printing	katieshannon	\$103.31
11/4/2015	Orlando FL	Sm Fmt Color Printing	katieshannon	\$31.95
11/13/2015	Orlando FL	Sm Fmt Color Printing	KDavis	\$2.14
			Total	\$208.77



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.: 61561.00

Project Title: Planning Services for Ballings and Smith / Expressway Authority / SR 429 Extension

HALL

11/05/10	1.0 Hr.	Team Meeting
11/18/10	1.0 Hr.	Direct Research
05/22/15	1.0 Hr.	Review file and coordinate with Client
10/29/15	0.5 Hr.	Reviewed DPA with Shannon
10/30/15	0.5 Hr.	Reviewed DPA with Shannon
11/02/15	1.0 Hr.	Reviewed DPA with Shannon (access easement graphic created)
11/03/15	1.0 Hr.	Reviewed DPA with Shannon (revisions to access easement graphic)
11/04/15	0.5 Hr.	Reviewed DPA with Shannon (reviewed access agreement analysis)
11/05/15	0.5 Hr.	DPA edits
11/06/15	0.5 Hr.	DPA edits
11/09/15	0.5 Hr.	Team meeting
11/10/15	4.0 Hrs.	Depo conference call; collection of docs; review of other reports
11/13/15	1.0 Hr.	Depo review
11/17/15	0.5 Hr.	Reviewed DPA with Shannon
01/20/16	1.0 Hr.	Conference Call
02/26/16	0.5 Hr.	Review invoices

AUSTIN

11/03/10	0.5 Hr.	Create Proposal
11/18/10	1.0 Hr.	Review File

GIERLACH

11/12/10	1.0 Hr.	Prepare typical ED map series
11/18/10	3.5 Hrs.	Prepare standard set of Eminent Domain graphics



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Billing Period thru 02/29/16

Project No.: 61561.00

Project Title: Planning Services for Ballings and Smith / Expressway Authority / SR 429 Extension

JACKOWSKI

11/05/10	0.5 Hrs.	Final and print two of each of the following Proposals (1) 87102.10 (properties owned by Mary Ballings & Ralph Vernice Smith), (2) 87097.10 (properties owned by Summer Lake-Grace Groves) and (3) 87101.10 (Thomas Callan, P.A. - property owned by Jain Family Holdings); obtain signatures;
12/08/10	0.5 Hrs.	Print final agreement for Fixel Maguire & Wells/Ballings & Smith expert witness; obtain signatures; scan, file & log; mail originals; copy/file admin.
04/27/12	0.5 Hrs.	Set up file folders for Fixel/Mary Ballings and file Project/Parcel Status notes from Raymer Maguire; set up conf. call schedule in calendar for next four quarterly meetings/project updates.
10/09/12	0.5 Hrs.	Print and file email re: SR 429/October 2012 Status Update/Mary M. Ballings and coord. quarterly meetings for 2013 in calendar.
03/18/13	0.5 Hrs.	Scan, print & file notices and send mtg. invite for Ballings, Smith, Klepzig & Morris community open-house meeting for first section of Wekiva Parkway - North US441 near Plymouth Sorrento Road to North of Kelly Park Road (March 21, 2013 6:00-8:00 p.m.)

SHANNON

10/21/15	1.5 Hrs.	DPA; retrieved Appraisal, Wekiva Parkway Map, started draft report with Katie
10/23/15	1.0 Hr.	Revisions to DPA
10/30/15	3.0 Hrs.	Revisions to DPA
11/02/15	3.0 Hrs.	Revisions to DPA
11/03/15	2.0 Hrs.	Revisions to DPA
11/04/15	2.0 Hrs.	Revisions to DPA
11/05/15	0.5 Hrs.	Meeting with Maguire, Pendergast, Ed, Jim
11/13/15	2.0 Hrs.	Conference call/revisions to DPA
11/17/15	0.5 Hr.	Conference with Maguire, etc. to review DPA and MEI reports
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
02/10/16	0.5 Hr.	Tele conference with Matt and Raymer
02/16/16	2.5 Hrs.	Tele conference with Raymer/highlighting of report
02/24/16	0.5 Hr.	Tele conference



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Invoice

Billing Period thru 02/29/16

Project No.: 61561.00

Project Title: Planning Services for Ballings and Smith / Expressway Authority / SR 429 Extension

DAVIS

10/21/15	2.0 Hrs.	Business Analysis Input
10/22/15	3.0 Hrs.	Reviewed Business Analyst Data
10/23/15	1.0 Hr.	Edits to Marketing Section in DPA
11/10/15	1.0 Hr.	Edits to Marketing Section in DPA
11/13/15	1.0 Hr.	Edits to Marketing Section in DPA

JOHNSON

01/15/16	3.0 Hrs.	Comp Maps
01/18/16	4.0 Hrs.	Maps
01/19/16	1.0 Hr.	Map Updates

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,

Parcel 285

vs.

DARYL A. ALDERMAN,

....

MARY MICHELLE ASHBURN a/k/a
MARY MICHELLE BALLINGS, et al,

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 Respondent, **MARY MICHELLE ASHBURN a/k/a MARY MICHELLE BALLINGS, et al**, ("Respondent") the sum of One Hundred Forty-Seven Thousand Five Hundred Dollars (\$147,500), in full settlement of all claims for compensation from Petitioner resulting from the taking of Parcel 285, subject to apportionment.
2. Petitioner is entitled to a credit in the amount of Ninety-Nine Thousand Six Hundred Fifty Dollars (\$99,650), 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 Forty-Seven Thousand Eight Hundred Fifty Dollars (\$47,850), 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. 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 Seventeen Thousand One Hundred Sixty Dollars (\$17,160) 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-One Thousand, One Hundred Five and 86/100 Dollars (\$31,105.86), 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.	\$ 8,436.36
Florida Real Estate Analysts, Inc.	\$10,939.50
Williams Development Services, Inc.	\$ 4,930.00
VHB MillerSellen	\$ 6,800.00

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 \$8,000.00.


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.

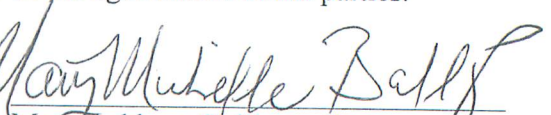
7. The parties agree to continue the trial of this matter pending review by the CFX ROW Committee and CFX Board.


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 285 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 285, 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.

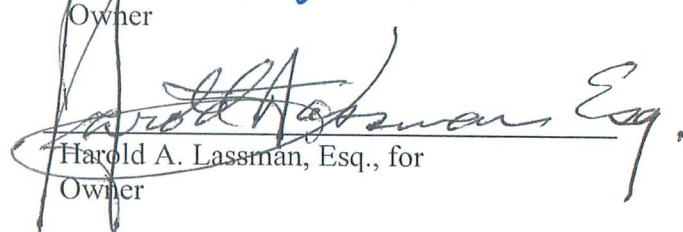

Linda Brehmer Lanosa, Esq. for
Central Florida Expressway Authority


Mary Ashburn Ballings, Owner



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