


**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 26, 2016**

**RE: S.R. 429 Wekiva Parkway, Project 429-204; Parcel 303 Part A, B & C-  
Approval of Settlement**

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Winderweeidle, Haines, Ward & Woodman, P.A., right of way counsel, seeks the Board's approval of a settlement with William Raymond McMahan, Aneeta McMahan Morton and Sylvia Delorias M. McKelvy, for their fee interest in Parcel 303, Part A, B & C, which was acquired for the construction of S.R. 429 Wekiva Parkway, Project 429-204. A Stipulated Order of Taking was entered on this Parcel on June 11, 2015.

**DESCRIPTION and BACKGROUND:**

Parcel 303 is a total taking of property that is approximately 44 acres, located off Oak Lane, just west of Plymouth Sorrento Road in Orange County, Florida. The property is currently vacant, and is owned jointly by William Raymond McMahan, Aneeta McMahan Morton and Sylvia Delorias M. McKelvy.

CFX's appraisal of the property was prepared by David Hall of Bullard, Hall & Adams, Inc. The updated appraisal report finds that the highest and best use of the property is for rural residential development, with a maximum development potential of three lots. To determine land value, Mr. Hall relies on three comparable sales that have an unadjusted per acre value of \$25,416 per acre to \$26,607 per acre. After adjusting for differences in size, topography and zoning, he arrives at a per acre value of **\$20,000.00 per acre** for the subject, which yields a total value of **\$745,700.00**.

The landowners have retained the appraisal services of Rick Dreggors, whose preliminary valuation was substantially higher than CFX's offer. Since a trial order has not yet been entered in this case, appraisal reports are not yet due from the landowners. However, the landowners have submitted a compensation claim of **\$1,311,600.00** for this property, in addition to expert fees and costs. Mr. Dreggors considered five comparable sales ranging in value from \$24,682.00 per acre to \$40,120.00 per acre, and reconciled on a value of **\$30,000.00 per acre**.

The landowners have indicated a willingness to resolve this case for **\$1,050,000.00**, or just under **\$24,000.00 per acre**, exclusive of attorney's fees. As CFX has already deposited \$681,200.00 as its good faith estimate of value, this would leave a balance of \$368,800.00 to be paid to the landowners for their fee interest.

Under this settlement proposal, landowner's counsel, Kent Hipp from Gray Robinson, P.A., would be entitled to attorneys fees in the amount of \$112,200.00 based on statutory betterment.

In addition, the landowners retained the appraisal services of Rick Dreggors from Calhoun, Dreggors & Associates, Inc. Mr. Dreggors submitted a claim for \$16,900.00, but, after negotiations, is willing to accept \$15,000.00. The firm of Tipton Associates Incorporated submitted a claim in the amount of \$1,800.00, but, after negotiations, is willing to accept \$1,500.00. Finally, Rahenkamp Design Group, Inc., requested \$9,200.00 for engineering services, and is willing to accept \$9,000.00. Thus, expert fees can be resolved for \$25,500.00.

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

A summary of the proposed settlement is as follows:

Compensation to Owner	\$ 1,050,000.00
Attorneys fees (statutory based on betterment)	112,200.00
Expert Fees	25,500.00
<b>Total Compensation</b>	<b>\$ 1,187,700.00</b>

#### **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 in the amount of **\$1,187,700.00** in full settlement of all compensation claims, attorneys' fees, and expert fees for Parcel 303.

#### **ATTACHMENT:**

Sketch of Subject Property

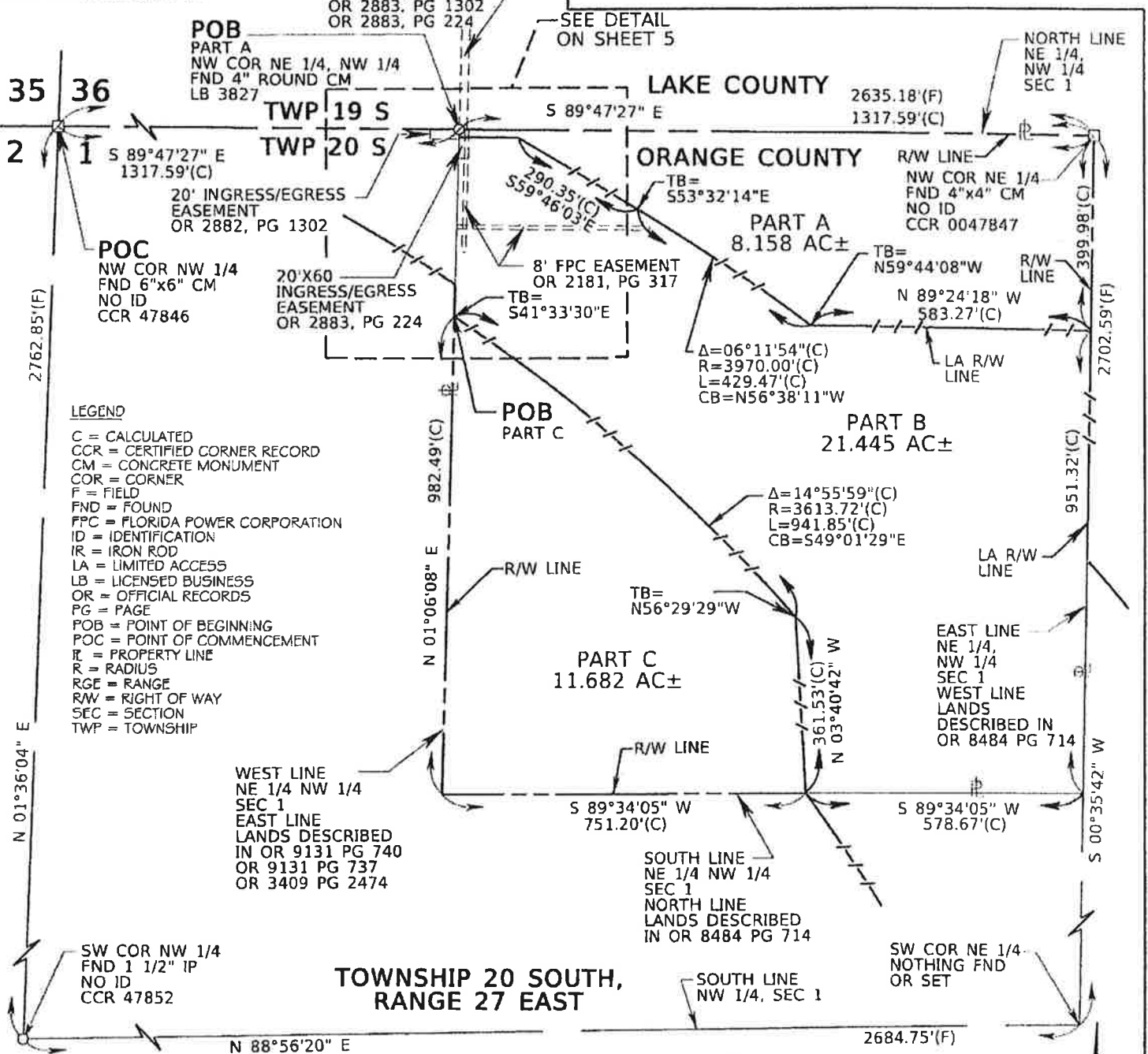
# SKETCH OF DESCRIPTION

PARCEL: 303

PURPOSE: LIMITED ACCESS RIGHT OF WAY

# 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 SOUTH LINE OF THE NORTHWEST 1/4 OF SECTION 1, TOWNSHIP 20 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA, HAVING A BEARING OF NORTH 88°56'20" EAST.
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 "FIDELITY NATIONAL TITLE INSURANCE COMPANY" DATED JULY 23, 2014, FILE NO. 4885577 WAS REVIEWED BY THE SURVEYOR AND EXCEPTIONS (IF ANY) NOTED ON SAID CERTIFICATE ARE SHOWN HEREON.

FOR: CENTRAL FLORIDA EXPRESSWAY AUTHORITY

STATE ROAD 429

DESIGNED BY: RJM

DATE: 10/28/14

DRAWN BY: SMP

JOB NO:

APPROVED BY: RJM

OCEA 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: 4 OF 5

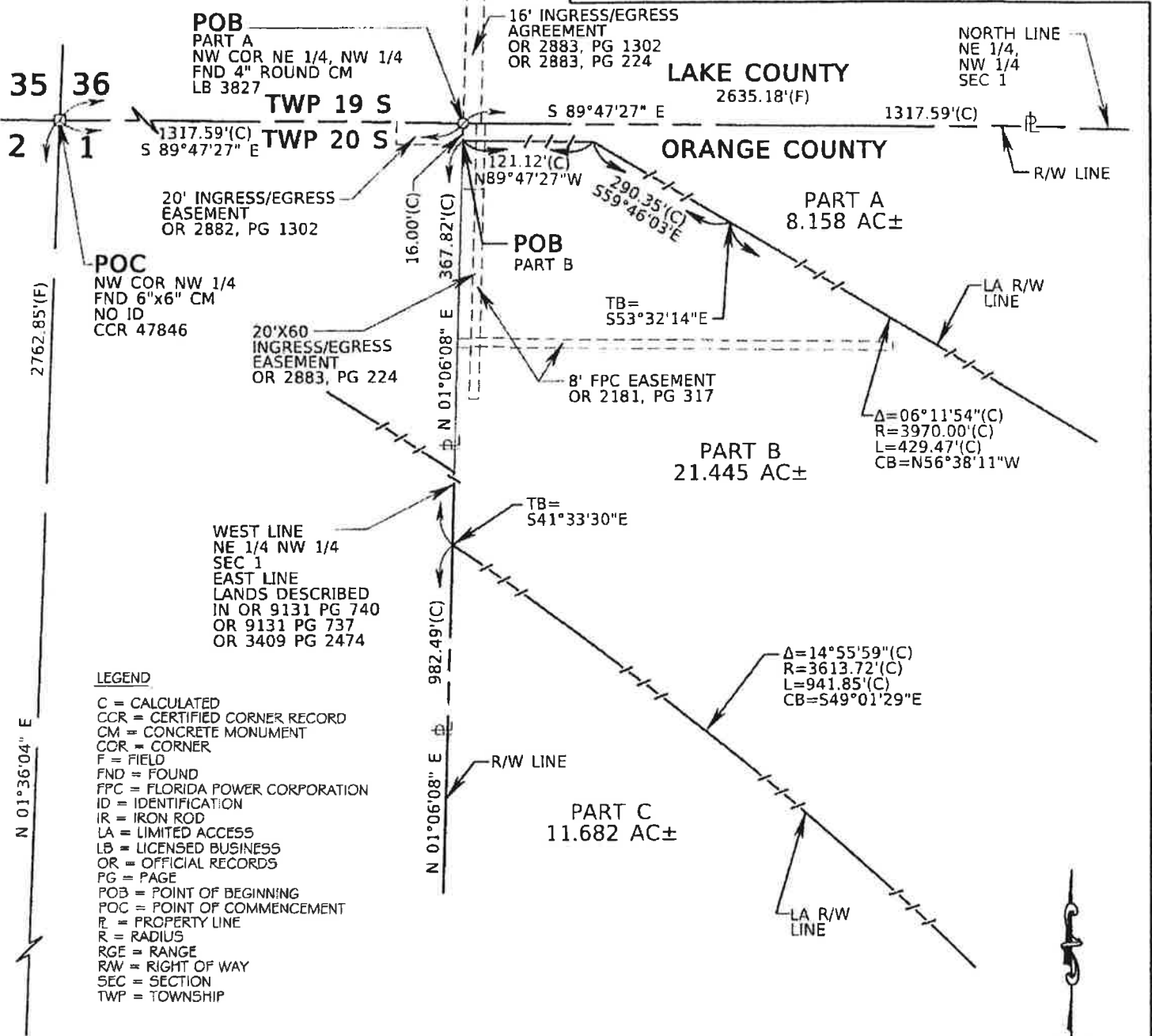
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