CENTRAL FLORIDA EXPRESSWAY AUTHORITY

MEMORANDUM

TO:

Central Florida Expressway Authority Board Members

FROM:

Linda S. Brehmer Lanosa, Deputy General Counsel Linda S. Brehmer Lanosa, Deputy General Counsel Linda S.

DATE:

September 26, 2016

RE:

Central Florida Expressway Authority v. Lake County Fruit Corporation, a dissolved Florida Corporation, Case No. 2015-CA-001217, Parcels 331/332 Parcel 331: South Side of State Road (SR) 46, North of Atlantic Coast Line Rail Parcel 332: Southeast side of SR 46, Northwest of Atlantic Coast Line Rail

OWNERSHIP

Lake County Fruit Corporation, a dissolved Florida corporation, is the owner of the properties identified as Parcels 331 and 332. On or about June 7, 1966, Lake County Fruit Corporation was dissolved by Proclamation issued by the Governor for failure to file its annual reports and pay its corporation capital stock tax. The Proclamation is recorded in the Official Records of Lake County, Florida, at O.R. Book 450, Page 770.

According to an Affidavit recorded in 1982 in the Official Records of Lake County, Florida, at O.R. Book 762, Page 1565, and other records maintained by the State of Florida, Office of Vital Statistics, C.E. Duncan, also known as Carl E. Duncan, was the last surviving director of the dissolved corporation. C.E. Duncan passed away when he was 90 years old on July 23, 1989.

After additional research and review, the son and former law partner of the last surviving director of the Lake County Fruit Corporation was located and contacted. His name is C. Michael Duncan, Esq. Mr. Duncan has been appointed by the Court as the Administrator Ad Litem for Lake County Fruit Corporation.

PROPERTY DESCRIPTION AND ESTIMATES OF VALUE

Parcel 331, Part A & B consists of 0.557 acres or 24,270 square feet of property with 24.82 feet of depth along the eastern border, 998.95 feet along the southeast side of SR 46, 242.15 feet along the southern border, and 759.72 feet along the northwest side of the Atlantic Coast Line rail right-of-way. The property is zoned Planned Commercial (CP) with a future land use of Regional Office by Lake County. The property is appraised at \$1.00 per square foot for a total of \$24,270.

Parcel 332 consists of 0.860 acres or 37,462 square feet of property with 19.88 feet of depth along the eastern border, 1,398.65 feet along the southeast side of SR 46, 24.82 feet along the western border, and 1,436.19 feet along the northwest side of the Atlantic Coast Line rail right-of-way. The property is zoned Planned Commercial (CP) with a future land use of Regional Office

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



Project: 429-206, Parcels 331/332

Owner: Lake County Fruit Corporation

by Lake County. The property is appraised at \$1.00 per square foot plus \$900 for improvements consisting of driveways, a wooden sign, and mailboxes, for a total of \$38,360.

The total estimates of value for Parcel 331 and Parcel 332 is the sum of \$24,270 and \$38,360, which is \$62,630.

PROPOSED SETTLEMENT

Mr. Duncan, as Administrator Ad Litem for the Lake County Fruit Corporation, has indicated that he needs to expend substantial time, effort and some expense to engage in an exhaustive search to determine whether any other beneficiaries of the dissolved Lake County Fruit Corporation can be located. A list of the proposed actions by the Administrator Ad Litem, Mr. Duncan, is attached hereto as **Exhibit A.**

After informal communications and discussions, the parties reached a proposed Joint Motion for Stipulated Final Judgment in the amount of \$64,000, resolving all claims for compensation from Petitioner resulting from the taking of Parcels 331/332, including severance damages, business damages, tort damages, interest, attorney's fees, expert fees, costs, and any other claim, for an additional payment of \$1,370.

REQUEST

Board approval is requested to accept the proposed Joint Motion for Stipulated Final Judgment in the amount of \$64,000, resolving all claims for compensation from Petitioner resulting from the taking of Parcels 331/332, including severance damages, business damages, tort damages, interest, attorney's fees, expert fees, costs, and any other claim.

The Right of Way Committee recommended approval on September 28, 2016.

Attachments: A - List of Proposed Actions

B - Joint Motion for Stipulated Final Judgment

Reviewed by: Joseph Hasinatore

- 1. A check of the records of the clerk of the circuit court with respect to any transaction to which the LCFC was a party, as indicated in the partial abstract obtained in conjunction with the foreclosure current proceeding.
- 2. A check of the records of the Florida Secretary of State to see if any of the directors was an officer of any other corporation.
- 3. A check of the phone book and city directory regarding directors' possible relations.
- 4. A search of the tax collector's receipt book.
- 5. A check with directors' possible attorney(s), or others likely to know the whereabouts of possible heirs.
- 6. Post office inquiries per http://about.usps.com/who-we-are/foia/coa-or-boxholder-form.pdf.
- 7. A check with the director of the Department of Highway Safety and Motor Vehicles per www.flhsmv.gov/dmv/forms/BTR/90510.pdf.
- 8. A check with local police departments (as applicable).
- 9. Online "PhoneDetective" search.
- 10. Check of other internet sites.
- 11. Review of Probate dockets in appropriate county(s).
- 12. At least a cursory report by professional Skip Trace.
- 13. Newspaper notices re potential heirs in locales where appropriate.

Note that this list is not complete.



IN THE CIRCUIT COURT OF THE FIFTH JUDICIAL CIRCUIT IN AND FOR LAKE 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.

Petitioner,

V.

LAKE COUNTY FRUIT CORPORATION, a dissolved Florida corporation, et al.,

Respondents.

CASE NO. 2015-CA-001217

Parcels 331 and 332

Judge Davis

JOINT MOTION FOR STIPULATED FINAL JUDGMENT WITH DIRECTIONS FOR DISBURSEMENT AS TO PARCELS 331 AND 332

Petitioner, CENTRAL FLORIDA EXPRESSWAY AUTHORITY, and Respondent, LAKE COUNTY FRUIT CORPORATION, a dissolved Florida corporation, by and through the undersigned counsel, respectfully move for entry of the attached Stipulated Final Judgment with Directions for Disbursement as to Parcels 331 and 332. The undersigned attorneys are authorized to enter into this Motion.

LINDA S. BREHMER LANOSA, ESQ.

Florida Bar No. 901296 Central Florida Expressway Authority 4974 ORL Tower Road Orlando, Florida 32807 (407) 690-5000 (main) (407) 690-5382 (direct) Linda.Lanosa@cfxway.com;

Linda.Lanosa@cfxway.com; Mimi.Lamaute@cfxway.com;

Counsel for Petitioner

Dated:	. 2016

C. MICHAEL DUNCAN, ESO.

1018 Belmont Circle Tavares, FL 32778 Phone: (352) 742-1909 FAX: (866) 856-4379

duncanlawofficespa a gmail.com

Attorney for Lake County Fruit Corporation



CERTIFICATE OF SERVICE

	I HEREBY CERTIFY that on the of	, 2016, I
electronical	ly filed the foregoing with the Clerk of Court l	by using the CM/ECF system which
will send a	notice of electronic filing to the following:	

ROBERT Q. WILLIAMS, ESQ.

rqw@wssatttorneys.com

Williams, Smith & Summers, P.A.

380 W. Alfred Street

Tavares, FL 32778

Attorneys for Respondent,

Bob McKee, Lake County Tax Collector

C. MICHAEL DUNCAN, ESQ. 1018 Belmont Circle Tavares, FL 32778 Phone: (352) 742-1909 FAX: (866) 856-4379

duncanlawofficespa@gmail.com

LINDA S. BREHMER LANOSA
Deputy General Counsel
Florida Bar No. 901296
CENTRAL FLORIDA EXPRESSWAY AUTHORITY
4974 ORL Tower Road
Orlando, Florida 32807
Telephone: (407) 690-5000
Linda.Lanosa@CFXWay.com
Mimi.Lamaute@CFXWay.com
Counsel for Central Florida Expressway Authority

IN THE CIRCUIT COURT OF THE FIFTH JUDICIAL CIRCUIT IN AND FOR LAKE 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,

Petitioner.

CASE NO. 2015-CA-001217

V.

Parcels 331 and 332

LAKE COUNTY FRUIT CORPORATION, a dissolved Florida corporation, LAKE COUNTY FLORIDA, a political subdivision of the State of Florida, UNKNOWN TENANTS AND OTHER PARTIES IN POSSESSION, and BOB McKEE, LAKE COUNTY TAX COLLECTOR,

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Respondents.

STIPULATED FINAL JUDGMENT WITH DIRECTIONS FOR DISBURSEMENT AS TO PARCELS 331 AND 332

THIS CAUSE having come on for consideration upon the Joint Motion for entry of a Stipulated Final Judgment by the Petitioner, CENTRAL FLORIDA EXPRESSWAY AUTHORITY ("Petitioner"), and the Respondent, LAKE COUNTY FRUIT CORPORATION, a dissolved Florida corporation, as the fee owner of Parcels 331 and 332, and it appearing to the Court that the parties were authorized to enter into such motion, the Court finding that the compensation to be paid by the Petitioner is full, just and reasonable for all parties concerned and the Court being otherwise fully advised in the premises, finds:

- A. The taking is necessary for a public purpose.
- B. This Court found that the good faith estimate of value was **Twenty-Four Thousand Two Hundred Seventy Dollars Exactly** (\$24,270.00) for Parcel 331 and **Thirty-**

Eight Thousand Three Hundred Sixth Dollars Exactly (\$38,360.00) for Parcel 332, for a total of Sixty-Two Thousand Six Hundred Thirty Dollars (\$62,630), which sum was previously deposited into the Registry of the Court.

- C. Respondent agrees to resolve full compensation for the taking of Parcels 331 and 332.
- D. The compensation to be paid by Petitioner is full, just and reasonable for all parties concerned.
- E. That the parties have waived the right to trial by jury and consent to the immediate entry of this Stipulated Final Judgment. Accordingly, it is

ORDERED AND ADJUDGED as follows:

- 1. That full and complete compensation for the taking of Parcels 331 and 332, including damages resulting to the remainder and for any other damages of any kind and nature, including severance damages, business damages, tort damages (if any), interest, attorneys' fees, expert fees, costs, and any other claim, is the sum of Sixty-Four Thousand Dollars exactly (\$64,000.00).
- 2. That title to the property designated as Parcels 331 and 332 and more particularly described below:

SEE EXHIBIT "A" ATTACHED HERETO

vested in the Petitioner, Central Florida Expressway Authority, pursuant to the Orders of Taking and deposit of money made on or about August 27, 2015. The vesting of title is hereby approved, confirmed and ratified.

3. That there shall be no further claim by the Respondent, Lake County Fruit Corporation, and all parties claiming by, through, under or against said Respondent, in this action for any further monies from the Petitioner.

4. That within twenty (20) days after receipt by the Petitioner of this Stipulated Final Judgment, Petitioner shall deposit the total amount of One Thousand Three Hundred Seventy Dollars (\$1,370.00) into the Registry of the Court, which sum represents the difference between full compensation and the amount previously deposited.

5. In addition, Petitioner shall pay the eminent domain registry deposit fee of \$170.00 to the Lake County Clerk of the Court by issuing a check made payable to "Neil Kelly, Clerk of the Circuit Court."

6. Respondent shall be fully responsible for any and all apportionment claims as may be asserted by other parties with respect to the compensation proceeds as described in Paragraph 3 of this Stipulated Final Judgment.

7. Respondent's counsel shall be responsible for the preparation and transmittal of any I.R.S. 1099 forms as necessary and shall provide CFX with a disclosure form pursuant to Section 286.23, Florida Statutes. Additionally, it is

ORDERED AND DIRECTED that after the above-referenced deposit is made, the Clerk of the Court shall issue a check made payable to the "Duncan Law Offices P.A. Trust Account" in the amount of **Sixty-Four Thousand Dollars (\$64,000)** and mail said check to C. MICHAEL DUNCAN, ESQ., 1018 Belmont Circle, Tavares, FL 32778, as payment in full for all sums due hereunder.

	DONE AND ORDERED in Chambers at Tavares, Lake County, Florida, this	day
of	, 2016.	

HEIDI DAVIS Circuit Judge

CERTIFICATE OF SERVICE

	I HEREBY CERTIFY that the foregoing was transmitted by U.S. Mail on this	_ day
of	, 2016 to:	
	C. MICHAEL DUNCAN, ESQ. 1018 Belmont Circle Tavares, FL 32778 Phone: (352) 742-1909 FAX: (866) 856-4379 duncanlawofficespa@gmail.com LINDA S. BREHMER LANOSA Deputy General Counsel Florida Bar No. 901296 CENTRAL FLORIDA EXPRESSWAY AUTHORITY 4974 ORL Tower Road Orlando, Florida 32807	
	ROBERT Q. WILLIAMS, ESQ. rqw@wssatttorneys.com Williams, Smith & Summers, P.A. 380 W. Alfred Street Tavares, FL 32778 Attorneys for Respondent, Bob McKee, Lake County Tax Collector	

CENTRAL FLORIDA EXPRESSWAY AUTHORITY STATE ROAD 453 PROJECT No. 429-206

PARCEL 331 PART A

PURPOSE: RIGHT OF WAY (ESTATE: FEE SIMPLE)

A parcel of land lying in the Southwest 1/4 of Section 26, Township 19 South, Range 27 East, Lake County, Florida, lying North of the Atlantic Coast Line Rail Road right of way and South of State Road 46 right of way, being more particularly described as follows:

Commence at the Southeast corner of the Southwest 1/4 of Section 26, Township 19 South, Range 27 East, Lake County, Florida, said point being a 6"x6" concrete monument with bent nail; thence run North 01°18′30" West along the East line of said Southwest 1/4, a distance of 283.42 feet to a point on the Northerly right of way line of the Atlantic Coast Line Rail Road per Right-of-Way and Track map V.3b Fla 5 and the POINT OF BEGINNING; thence departing said East line, run South 67°42′49" West along said Northerly right of way line, a distance of 513.73 feet; thence departing said Northerly right of way line of State Road 46 per FDOT Maintenance Map recorded in Road Map Book 11, Page 1, Public Records of Lake County, Florida; thence the following two calls along said Southerly right of way line; thence run North 72°34′39" East, a distance of 35.11 feet; thence run North 67°16′26" East, a distance of 489.23 feet to a point on said East line; thence departing said Southerly right of way line, run South 01°18′30" East along said East line, a distance of 24.82 feet to the POINT OF BEGINNING.

Containing 0.253 acres (11,032 square feet), more or less.

SHEET 1 OF 4

CENTRAL FLORIDA EXPRESSWAY AUTHORITY STATE ROAD 453 PROJECT No. 429-206

PARCEL 331 PART B

PURPOSE: LIMITED ACCESS RIGHT OF WAY (ESTATE: FEE SIMPLE)

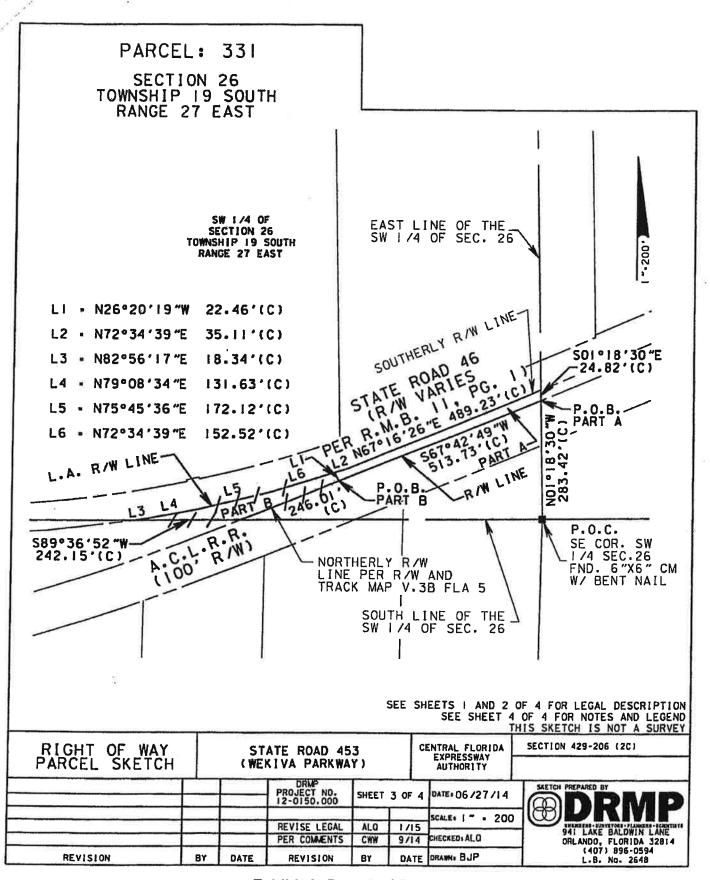
A parcel of land lying in the Southwest 1/4 of Section 26, Township 19 South, Range 27 East, Lake County, Florida, lying north of the Atlantic Coast Line Rail Road right of way and South of State Road 46 right of way, being more particularly described as follows:

Commence at the Southeast corner of the Southwest 1/4 of Section 26, Township 19 South, Range 27 East, Lake County, Florida, said point being a 6"x6" concrete monument with bent nail; thence run North 01°18'30" West along the East line of said Southwest 1/4, a distance of 283.42 feet to a point on the Northerly right of way line of the Atlantic Coast Line Rail Road per Right-of-Way and Track map V.3b Fla 5; thence departing said East line, run South 67°42'49" West along said Northerly right of way line, a distance of 513.73 feet to the POINT OF BEGINNING; thence continue South 67°42'49" West along said Northerly right of way line, a distance of 246.01 feet to a point on the South line of the said Southwest 1/4; thence departing said Northerly right of way line, run South 89°36'52" West along said South line, a distance of 242.15 feet to a point on the Southerly right of way line of State Road 46 per FDOT Maintenance Map recorded in Road Map Book 11, Page 1, Public Records of Lake County, Florida; thence departing said South line, run the following four calls along said Southerly right of way line; thence run North 82°56'17" East, a distance of 18.34 feet; thence run North 79°08'34" East, a distance of 131.63 feet; thence run North 75°45'36" East, a distance of 172.12 feet; thence run North 72°34'39" East, a distance of 152.52 feet; thence departing said Southerly right of way line, run South 26°20'19" East, a distance of 22.46 feet to the POINT OF BEGINNING.

Containing 0.304 acres (13,238 square feet), more or less.

Together with all rights of ingress, egress, light, air, and view to, from or across any State Road 453 right of way property which may otherwise accrue to any property adjoining said right of way.

SHEET 2 OF 4



PARCEL: 331

NOTES:

- 1. BEARINGS SHOWN HEREON ARE BASED ON THE EAST LINE OF THE SOUTHWEST 1/4 OF SECTION 26, TOWNSHIP 19 SOUTH, RANGE 27 EAST AS BEING NORTH 01°18'30" WEST, BASED ON NAD83, STATE PLANE COORDINATES, FLORIDA EAST ZONE.
- 2. THIS PARCEL SKETCH IS NOT A SURVEY. NO CORNERS WERE SET OR RECOVERED IN THE FIELD FOR THE PURPOSE OF PREPARING THIS SKETCH, EXCEPT AS SHOWN.
- 3. THE RIGHT-OF-WAY SHOWN FOR STATE ROAD 46 IS BASED ON A MAINTENANCE MAP PREPARED BY THE FLORIDA DEPARTMENT OF TRANSPORTATION RECORDED IN ROAD PLAT BOOK 11, PAGE 1 OF THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA.
- 4. PARCEL INFORMATION SHOWN HEREON IS SUPPORTED BY COMMITMENT FOR TITLE INSURANCE. SHUTTS AND BOWEN LLP ORDER No. 4887605, DATED JULY 29, 2014.

LEGEND:

A.C.L.R.R. = ATLANTIC COAST LINE RAILROAD

(C) = CALCULATED DATA

C.B. = CHORD BEARING

C.D. = CHORD DISTANCE

COR. = CORNER

CM = CONCRETE MONUMENT

(D) = DEED DATA

EXIST. = EXISTING

FND. = FOUND

I.D. = IDENTIFICATION

IP = IRON PIPE

L = ARC LENGTH

L.A. = LIMITED ACCESS

L.B. = LICENSED BUSINESS

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M.B. = MAP BOOK

OR = OFFICIAL RECORDS BOOK

P = PROPERTY LINE

P.O.B. = POINT OF BEGINNING

P.O.C. = POINT OF COMMENCEMENT

No. = NUMBER

PG = PAGE

R = RADIUS

REQ. = REQUIRED

R.M.B. = ROAD MAP BOOK

R/W = RIGHT-OF-WAY SEC. = SECTION

Δ = CENTRAL ANGLE

SEE SHEET 3 OF 4 FOR SKETCH OF DESCRIPTION

RIGHT OF WAY SECTION 429-206 (2C) CENTRAL FLORIDA STATE ROAD 453 EXPRESSWAY (WEKIVA PARKWAY) PARCEL SKETCH **AUTHOR! TY** DRMP PROJECT NO. 12-0150.000 SKETCH PREPARED BY SHEET 4 OF 4 DATE: 06/27/14 SCALE: 1" - 200 REVISE LEGAL ALQ 1/15 941 LAKE BALDWIN ALLEN L. QUICKEL FLORIDA REGISTERED LAND SURVEYOR NO. 6481 (NOT VALIO UNLESS STONED AND SEALED) 9/14 CHECKED ALO PER COMMENTS CWW ORLANDO, FLORIDA 32814 (407) 896-0594 REVISION DATE DRAWN BJP L.B. No. 2648

CENTRAL FLORIDA EXPRESSWAY AUTHORITY STATE ROAD 453 PROJECT No. 429-206

PARCEL 332

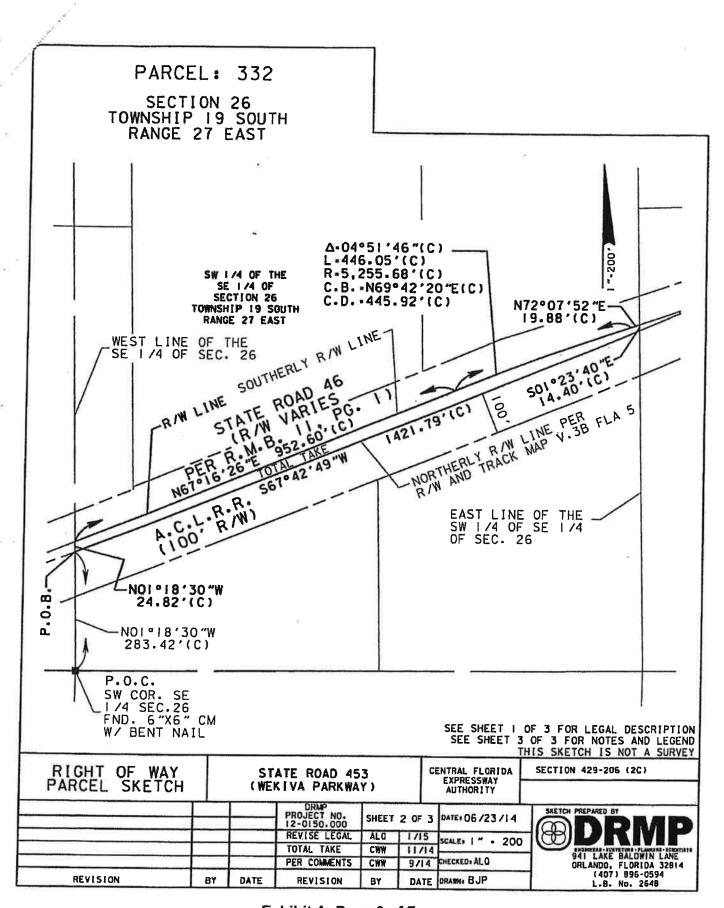
PURPOSE: RIGHT OF WAY (ESTATE: FEE SIMPLE)

That part of the Southwest 1/4 of the Southeast 1/4 of Section 26, Township 19 South, Range 27 East, Lake County, Florida, lying north of the Atlantic Coast Line Rail Road right of way and South of State Road 46 right of way, being more particularly described as follows:

Commence at the Southwest corner of the Southeast 1/4 of Section 26, Township 19 South, Range 27 East, Lake County, Florida, said point being a 6"x6" concrete monument with bent nail; thence run North 01°18'30" West along the West line of said Southeast 1/4, a distance of 283.42 feet to a point on the Northerly right of way line of the Atlantic Coast Line Rall Road per Right-of-Way and Track map V.3b Fla 5 and the POINT OF BEGINNING; thence continue North 01°18'30" West along said West line, a distance of 24.82 feet to a point on the Southerly right of way line of State Road 46 per FDOT Maintenance Map recorded in Road Map Book 11, Page 1, Public Records of Lake County, Florida; thence departing said West line, run North 67°16'26" East along said Southerly right of way line, a distance of 952.60 feet to a point on a curve, concave to the Southeast, having a Radius of 5255.68 feet and a Central Angle of 04°51'46"; thence run Northeasterly along the Arc of said curve and along said Southerly right of way line, a distance of 446.05 feet (Chord Bearing = North 69°42'20" East, Chord Distance = 445.92 feet) to the end of said curve; thence run North 72°07'52" East along said Southerly right of way line, a distance of 19.88 feet to a point on the East line of the Southwest 1/4 of the Southeast 1/4 of said Section 26; thence, departing said Southerly right of way line, run South 01°23'40" East along said East line, a distance of 14,40 feet to a point on the Northerly right of way line of said Rail Road; thence departing said East line, run South 67°42'49" West along said Northerly right of way line, a distance of 1421.79 feet to the POINT OF BEGINNING.

Containing 0.860 acres, more or less.

SHEET 1 OF 3



PARCEL: 332

NOTES:

- 1. BEARINGS SHOWN HEREON ARE BASED ON THE WEST LINE OF THE SOUTHEAST 1/4 OF SECTION 26, TOWNSHIP 19 SOUTH, RANGE 27 EAST AS BEING NORTH 01°18'30" WEST, BASED ON NAD83, STATE PLANE COORDINATES, FLORIDA EAST ZONE.
- 2. THIS PARCEL SKETCH IS NOT A SURVEY. NO CORNERS WERE SET OR RECOVERED IN THE FIELD FOR THE PURPOSE OF PREPARING THIS SKETCH, EXCEPT AS SHOWN.
- 3. THE RIGHT-OF-WAY SHOWN FOR STATE ROAD 46 IS BASED ON A MAINTENANCE MAP PREPARED BY THE FLORIDA DEPARTMENT OF TRANSPORTATION RECORDED IN ROAD PLAT BOOK 11, PAGE 1 OF THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA.
- 4. PARCEL INFORMATION SHOWN HEREON IS SUPPORTED BY COMMITMENT OF TITLE INSURANCE, SHUTTS AND BOWEN LLP ORDER No. 4887619, DATED JULY 29, 2014.

LEGEND:

A.C.L.R.R. = ATLANTIC COAST LINE RAILROAD

(C) = CALCULATED DATA

C.B. = CHORD BEARING

C.D. = CHORD DISTANCE

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DATE DRAWN BJP

SEE SHEET 2 OF 3 FOR SKETCH OF DESCRIPTION

L.B. No. 2648

RIGHT OF WAY PARCEL SKETCH SECTION 429-206 (2C) CENTRAL FLORIDA STATE ROAD 453 **EXPRESSWAY** (WEKIVA PARKWAY) AUTHOR LTY DRIVE SKETCH PREPARED BY PROJECT NO. 12-0150.000 SHEET 3 OF 3 DATE: 06/23/14 REVISE LEGAL ALQ 1/15 SCALE: 1" - 200 ALLEN L. DUICKEL FLORIDA REDISTERED LAND SURVEYOR NO. 6481 (NOT VALID UNLESS SIGNED AND SEALED) CWW TOTAL TAKE 11/14 CHECKED ALQ PER COMMENTS CWW 9/14 ORLANDO, FLORIDA 32814 (407) 896-0594

BY

REVISION