


# CENTRAL FLORIDA EXPRESSWAY AUTHORITY

## MEMORANDUM

TO: Central Florida Expressway Authority Board Members

FROM: Linda S. Brehmer Lanosa, Deputy General Counsel 

DATE: September 26, 2016

RE: *Central Florida Expressway Authority v. Anthony Randall Carter, et al.*  
Case No. 2015-CA-003555-O, Parcel 301  
Owner: HMF, LLC (c/o Charlie R. Forman)  
Location: North Side of Ondich Road, west of Plymouth Sorrento, Apopka  
Parent: 131.707 acres; Taking: 25.147 acres; Remainder: 106.560 acres

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## INTRODUCTION

This case is set for trial on the February 13, 2017 docket in front of Judge Kest. The case was mediated on September 7, 2016, but the parties were not able to reach a compromise.

Section 73.032 of the Florida Statutes allows a condemning authority to serve an offer of judgment in an eminent domain case. The purpose of the offer is to shift liability for expert fees and costs. If the judgment obtained is equal to or less than the offer of judgment, the trial court is prohibited from awarding costs incurred by the property owner after the date the offer of judgment was rejected. If the judgment obtained is greater than the offer of judgment, the offer does not limit expert fees and costs.

## DESCRIPTION OF PROPERTY AND TAKING

The 131.707-acre vacant parent tract is zoned A-1 for Citrus Rural District with a land use designation of R for Rural/Agricultural. The taking is along the eastern side of the parent tract.

## CFX'S APPRAISAL REPORT

Chad G. Durrance, MAI, State-Certified General Real Estate Appraiser, appraised the property for CFX. He concluded that the highest and best use of the property as though vacant is for residential use. Applying the sales comparison approach, Mr. Durrance estimated the value of the land at \$25,000 per acre with a range in comparable sales from \$14,400 to \$29,300 per acre. Mr. Durrance concluded that the remainder was damaged due to the proximity of the expressway. A summary of Mr. Durrance's estimate of value is below.

|                                |                  |
|--------------------------------|------------------|
| Land Taken (\$25,000 per acre) | \$ 628,700       |
| Severance Damages              | \$ 100,000       |
| Total for Owner                | <b>\$728,700</b> |

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**OWNERS' APPRAISAL REPORTS**

The owners retained both Charles W. Haynes, Jr., GAA, and Richard C. Dreggors, GAA, state-certified general real estate appraiser, to value the property. Their opinions of value are summarized below.

|  | <b>Haynes</b>      | <b>Dreggors</b>    |
|--|--------------------|--------------------|
| Land Taken (at \$50,000 and \$55,000 per acre, respectively) | \$1,257,400        | \$1,383,300        |
| Severance Damages (at 50% and 50%)                           | \$2,664,100        | \$3,436,600        |
| Total for Owner  | <b>\$3,921,500</b> | <b>\$4,819,900</b> |

The report provided by Mr. Dreggors contains a watermark indicating it is a work in progress.

According to Mr. Haynes, the highest and best use in the before is for residential development. In the before condition, Mr. Haynes used comparable sales from 2005 and 2006, rather than the date of taking. In the after condition, Mr. Haynes opined that the highest and best use is for continued agricultural use with a limited future residential development potential. After the taking, Mr. Haynes stated that the value of the land would be reduced from \$50,000 per acre to \$25,000 per acre.

Mr. Dreggors also concluded that the highest and best use of the property before the taking is for residential use. He relied upon comparable sales outside the market area, including sales in Osceola County and Winter Garden. Mr. Dreggors assumed that after the taking the property would be limited to rural residential use and estimated the value of the land at \$35,000 per acre, subject to 35% reduction due to the proximity of the expressway.

**REQUESTED ACTION**

Board approval is requested to serve an Offer of Judgment in the amount of **\$1,200,000**, respectively. The Offer of Judgment would settle all pending claims with Respondent, HMF, LLC, including full compensation for the property, severance damages, business damages, and interest, if any, with the exception of attorney's fees and costs, and expert fees and costs, subject to apportionment.

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

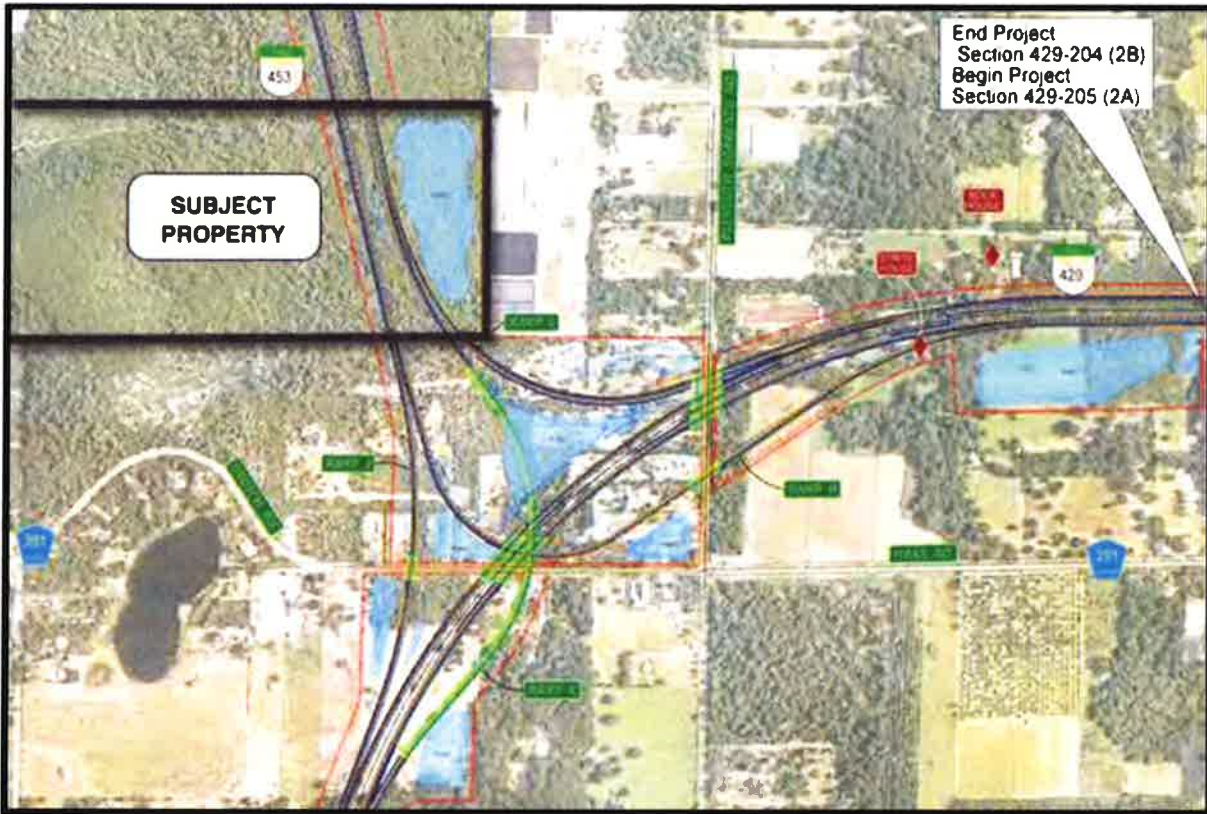
Attachments

cc: Suzanne Driscoll, Esq., Shutts & Bowen

Reviewed by: Joseph Hassiature



**GENERAL LOCATION MAP**



The HMF Property

• Parcel 301 •

Wekiva Parkway



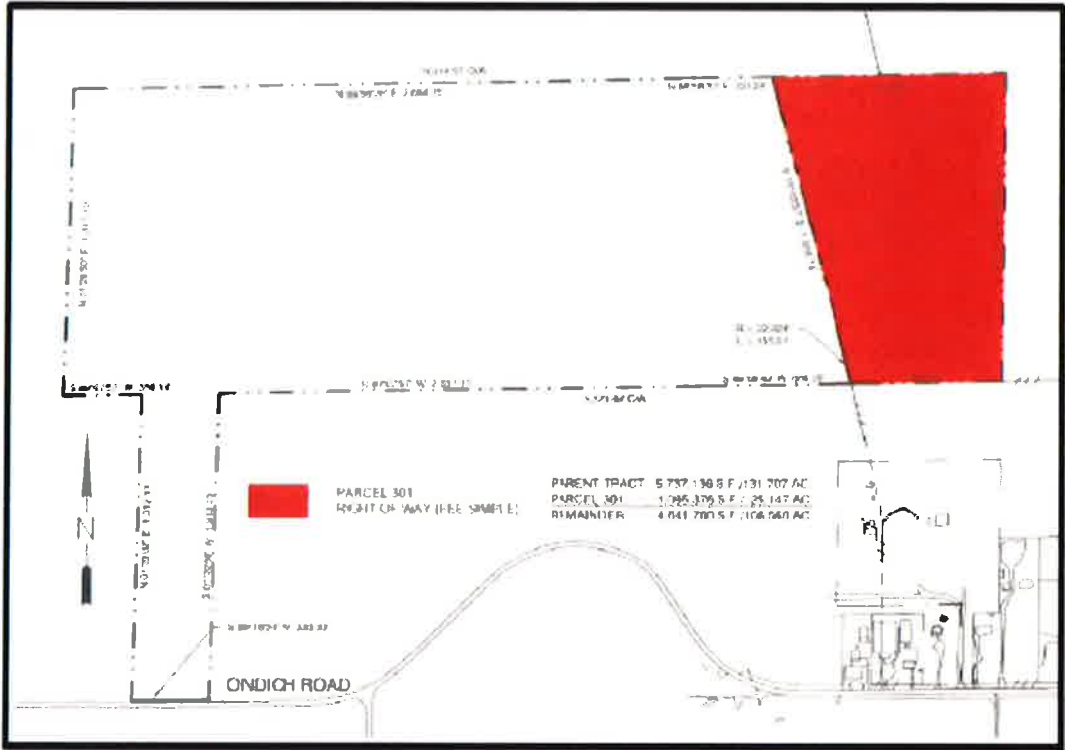
**AERIAL**

(Source: OCPARL.org - 2014 Image Date)

The HMF Property

• Parcel 301 •

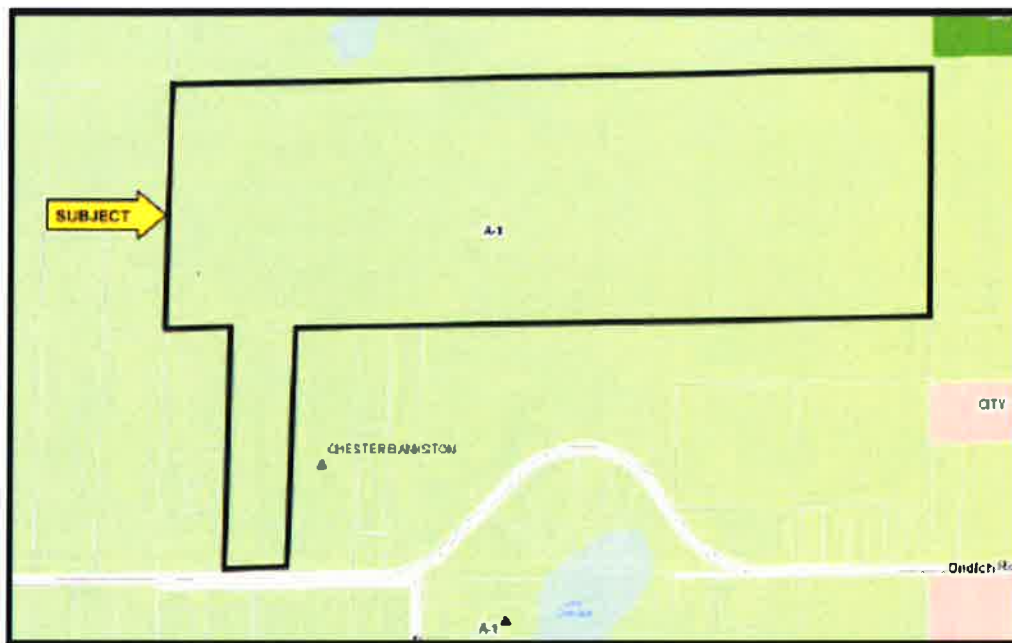
Wekiva Parkway



 **SKETCH**

**ZONING/LAND USE**

The subject is currently zoned A-1, (Citrus Rural District) by Orange County, with a Rural/Agricultural (R) future land use category (FLU), as indicated by the following maps.



(Zoning Map)