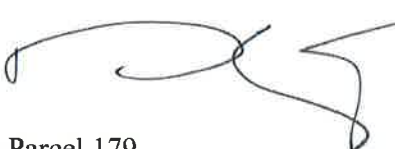




MEMORANDUM

TO: Central Florida Expressway Authority CLIENT-MATTER NO.: 19125.0093
 Board Members

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

DATE: October 3, 2016

RE: State Road 429 Wekiva Parkway, Project 429-203; Parcel 179
 Proposed Offer of Judgment

Shutts & Bowen LLP, Right-of-Way Counsel, seeks the approval of the CFX Board for an Offer of Judgment in full settlement of Parcel 179 owned by Patrick E. Watson and Teresa G. Watson for State Road 429 Wekiva Parkway, Project 429-203.

DESCRIPTION AND BACKGROUND

Parcel 179 is a fee simple partial taking consisting of 1.096 acres. The parent tract was 6.0 acres in size and the remainder property is 4.904 acres. The property is located at 3468 and 3480 Plymouth Sorrento Road in unincorporated Orange County, Florida. This is the homestead property of Patrick E. Watson and Teresa G. Watson. The subject property is improved with a 2,224 s.f. residence containing 4 bedrooms and 3 bathrooms built in 1945 and renovated in 2009. The property is also improved with a 1,154 s.f. manufactured home containing 3 bedrooms and 2 bathrooms constructed in 1984. Other improvements include an in ground swimming pool, a 1,080 s.f. horse barn and shed. The property is zoned A-1, citrus rural district by Orange County.

The CFX’s appraisal of the property was prepared by David Hall of Bullard, Hall and Adams. Mr. Hall opined the highest and best use of the property is for continued single family use. Mr. Hall used five (5) comparable land sales with prices ranging from \$25,416 per acre to \$30,021 per acre to arrive at an estimate of the land value of the Subject Property of \$30,000 per acre and a value of \$33,000 for the land taken. Additionally, he estimated the value of the miscellaneous fencing improvements on the parcel at \$5,800.

Mr. Hall used four (4) improved sales to determine the value of the residence and its associated improvements, with prices ranging from \$78.99 to \$89.55 s.f. In the after condition, the residence is within 590 feet of the new right-of-way line for the SR 429 roadway, which has significantly changed the character of the neighborhood in the after condition. Mr. Hall

concluded severance damages in the amount of 20% to the residence and 50% to the land as a result of the proximity of the roadway and the change in character of the neighborhood.

Mr. Hall used three (3) improved sales to determine the value of the manufactured home and associated improvements, with prices ranging from \$35.96 to \$40.15 s.f. In the after condition, the manufactured home is within 293 feet of the new right-of-way line for the SR 429 roadway, which has significantly changed the character of the neighborhood in the after condition. Mr. Hall concluded severance damages in the amount of 40% to the manufactured home and 50% to the land as a result of the proximity of the roadway and the change in character of the neighborhood. In addition, the fencing must be reestablished which Mr. Hall has estimated to cost \$800. Accordingly, Mr. Hall's total valuation for Parcel 179 is \$167,800 (\$33,000 land; \$5,800 improvements; \$128,200 damages; and \$800 cure).

Patrick E. Watson and Teresa G. Watson are represented by Tom Callan, Esq. We have attempted to engage in settlement negotiations with Mr. Callan in an effort to settle this parcel. Unfortunately, Mr. Callan has some health issues that require a surgery in December 2016, which is likely the cause for a delay in settlement negotiations. Additionally, in light of Mr. Callan's health issues, the court has removed this parcel from the trial docket. Accordingly, in an effort to move this case forward, to provide the property owners a settlement offer and potentially cap the costs to be incurred by the property owner (which are recoverable against the CFX), we are proposing an Offer of Judgment. If the Offer of Judgment is accepted by the property owners, the case would be concluded. If the Offer of Judgment is not accepted within 30 days, then it expires. If a jury subsequently renders a verdict equal to or less than the Offer of Judgment, the property owner shall not recover any costs (including expert fees) incurred from the expiration of the Offer of Judgment through trial.

Based upon our extensive knowledge and review of numerous parcels on the project, positions taken by opposing counsel and experts, prior settlements and prior jury verdicts, I would propose an Offer of Judgment for Parcel 179 in the amount of \$302,400, plus statutory attorney's fees and experts costs. The Offer of Judgment reflects an increase in the land value and severance damages allocated to the residence and manufactured home.

For the above-cited reasons, Right-of-Way counsel requests the CFX Board approve an Offer of Judgment in the amount of \$302,400, plus statutory attorney's fees and experts costs, which is in the CFX's best interest.

RECOMMENDATION

We respectfully request that the CFX Board approve the Offer of Judgment in the amount of \$302,400, plus statutory attorney's fees and experts costs in full settlement of all claims for compensation in the acquisition of Parcel 179.

This matter was recommended for approval by the Right-of-Way Committee at its meeting on September 28, 2016.

ATTACHMENTS

Exhibit "A" – Sketch of the Subject Property

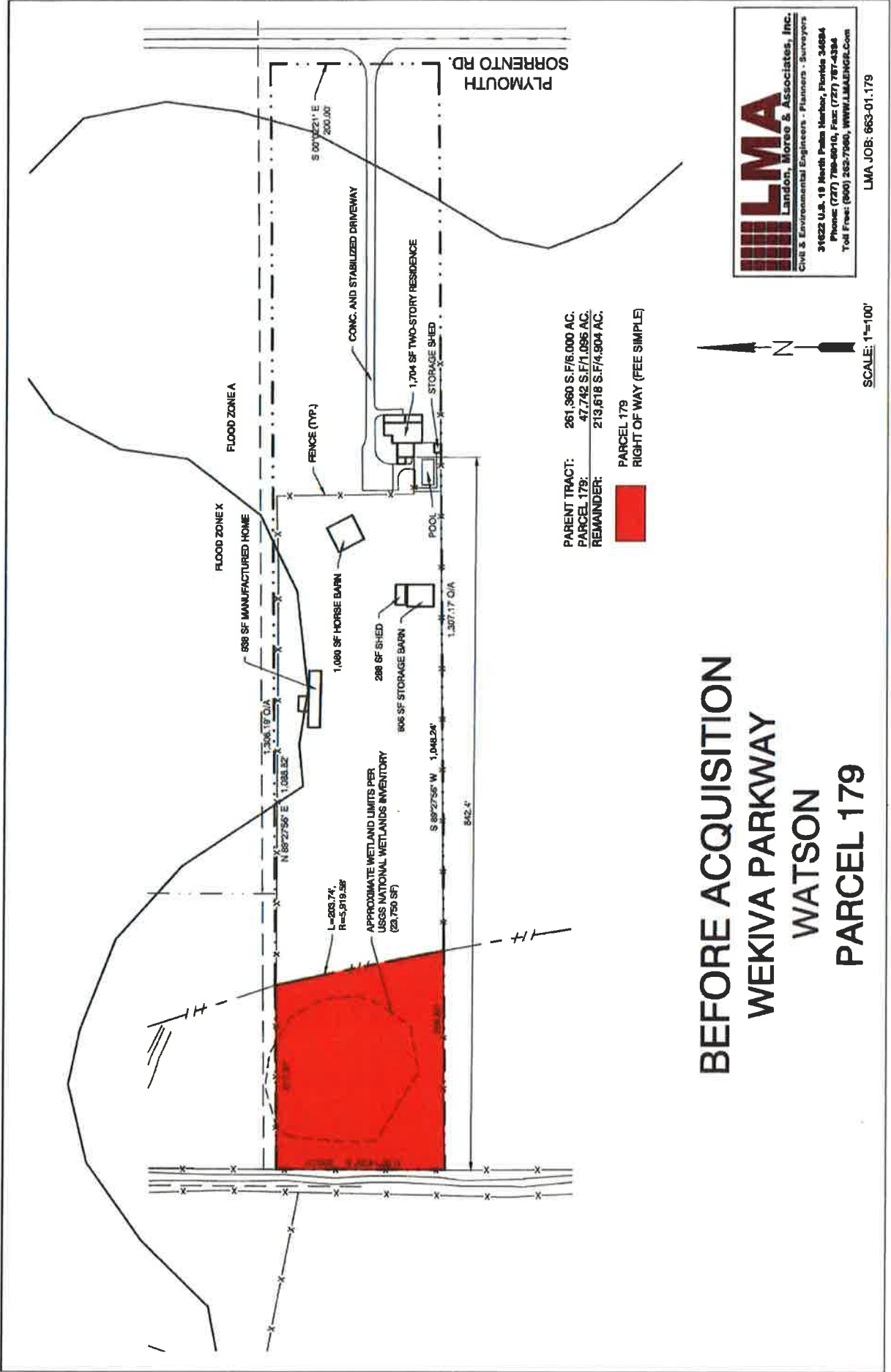
Exhibit "B" – Photographs of the Subject Property and Area

Reviewed by:

A handwritten signature in cursive script, reading "Joseph J. Resnato", is written over a horizontal line.

ORLDOCS 14968724 1

EXHIBIT “A”



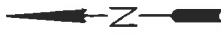
PARENT TRACT: 261,960 S.F./6,000 AC.
 PARCEL 179: 47,742 S.F./1.086 AC.
 REMAINDER: 213,618 S.F./4,904 AC.



PARCEL 179
 RIGHT OF WAY (FEE SIMPLE)

BEFORE ACQUISITION

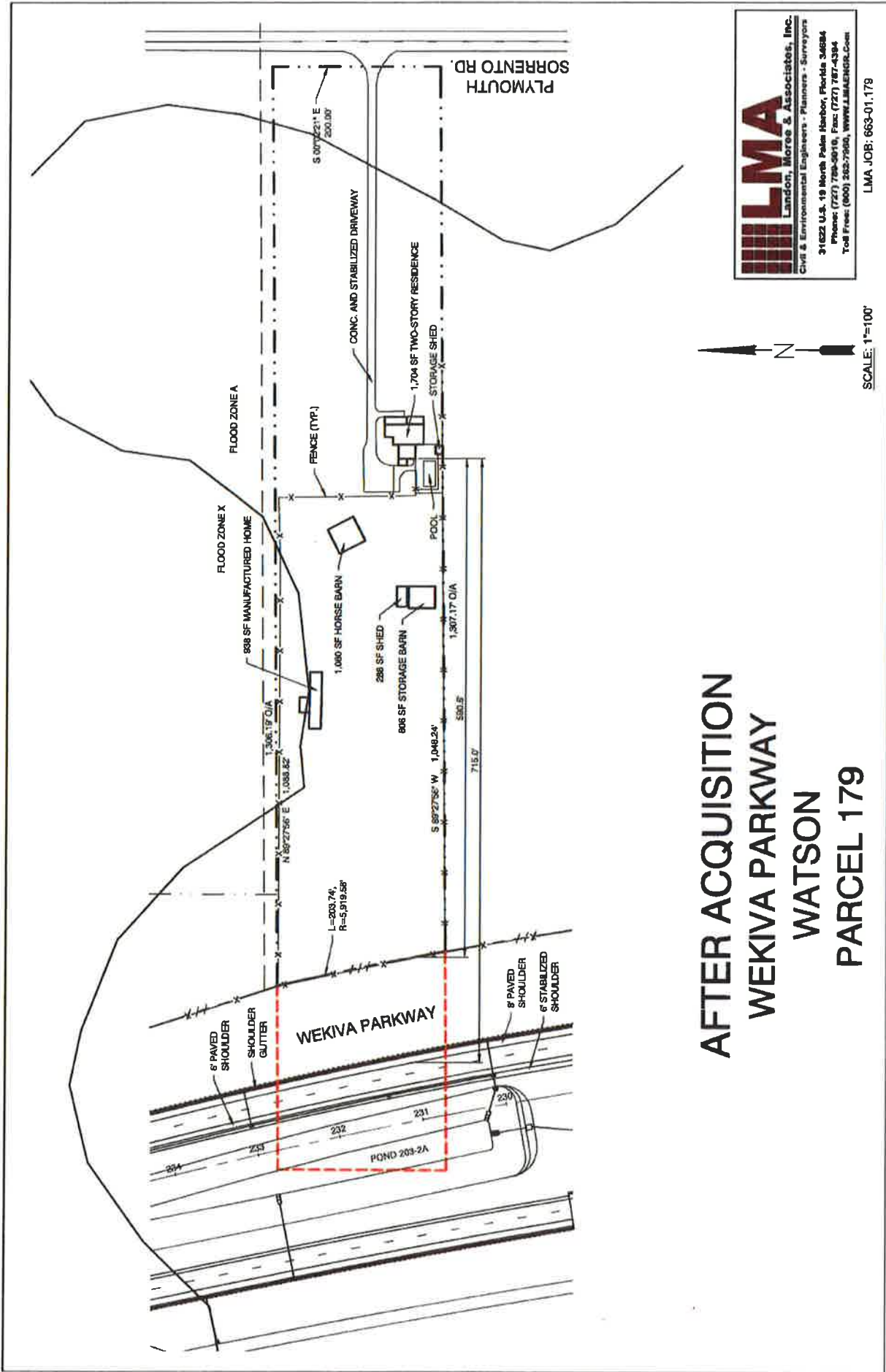
WEKIVA PARKWAY WATSON PARCEL 179



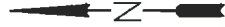
SCALE: 1"=100'

LMA
 Landon, Moree & Associates, Inc.
 Civil & Environmental Engineers - Planners - Surveyors
 31622 U.S. 19 North Palm Harbor, Florida 34684
 Phone: (727) 789-8010, Fax: (727) 787-4334
 Toll Free: (800) 262-7990, WWW.LMAENGR.COM

LMA JOB: 663-01.179



AFTER ACQUISITION WEKIVA PARKWAY WATSON PARCEL 179



SCALE: 1"=100'

LMA
 Landon, Morée & Associates, Inc.
 Civil & Environmental Engineers - Planners - Surveyors
 31022 U.S. 19 North Palm Harbor, Florida 34684
 Phone: (727) 769-3016, Fax: (727) 787-4394
 Toll Free: (800) 363-7980, WWW.LMAENG.COM

LMA JOB: 663-01.179

EXHIBIT “B”

**PHOTOGRAPHS OF SUBJECT
PARCEL 179**



3. LOOKING SOUTHEAST AT THE SINGLE FAMILY RESIDENCE



4. LOOKING SOUTHWEST AT THE RESIDENCE

Photographs Taken By:
Craig S. Adams
July 1, 2013

**PHOTOGRAPHS OF SUBJECT
PARCEL 179**



5. LOOKING WEST AT THE POOL



6. LOOKING SOUTHWEST AT THE SHED AND POLE BARN

Photographs Taken By:
Craig S. Adams
July 1, 2013

**PHOTOGRAPHS OF SUBJECT
PARCEL 179**



7. LOOKING NORTH AT THE STABLE



8. LOOKING NORTHWEST AT THE MANUFACTURED HOME