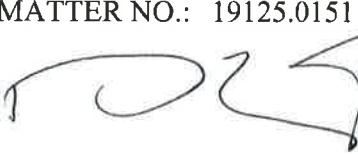




MEMORANDUM

TO: Central Florida Expressway Authority CLIENT-MATTER NO.: 19125.0151
 Board Members

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

DATE: October 3, 2016

RE: State Road 429 Wekiva Parkway, Project 429-204; Parcel 258
 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 258 owned by Robert and Lois Brown for State Road 429 Wekiva Parkway, Project 429-204.

DESCRIPTION AND BACKGROUND

Parcel 258 is a fee simple whole taking consisting of 2.003 acres. The property is located at 6014 Plymouth Sorrento Rd. in Apopka, Florida. This was the homestead for Mr. and Mrs. Brown. The subject property is improved with a 2,101 s.f. single family residence containing 3 bedrooms and 2 bathrooms built in 1990. Additional improvements include a 238 s.f. carport, 183 s.f. shed, 145 s.f. wood frame storage shed and a 528 s.f. two car garage. 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 rural residential development. Mr. Hall used four (4) comparable land sales with prices ranging from \$22,874 per s.f. to \$30,021 per s.f. to arrive at an estimate of the land value of the Subject Property of \$30,000 per ac. or \$60,100 for the land value.

Mr. Hall used four (4) improved sales to determine the value of the improvements, with prices ranging from \$100.00 to \$105.62 s.f. Mr. Hall concluded a value of \$105 per s.f. for the improvements or \$220,700. Accordingly, Mr. Hall's total valuation of the taking of Parcel 258 is \$280,800.

Mr. and Mrs. Brown are represented by Tom Callan, Esq. We have attempted to engage in settlement negotiations with Mr. Callan in an effort to settle these parcels or set them for trial

if we were unable to reach a resolution. 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 several of his parcels from the trial docket. Therefore, filing a notice for trial on the parcels we have been unable to resolve would likely not render a trial date to be set on the Court's docket. Accordingly, in an effort to move these cases to fruition, 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 owner, then 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 258 in the amount of \$386,400, plus statutory attorney's fees and experts costs. The Offer of Judgment reflects an increase in the land value and additional monies for the improvements.

For the above-cited reasons, Right-of-Way counsel requests approval by the CFX Board for an Offer of Judgment in the amount of \$386,400, 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 \$386,400, plus statutory attorney's fees and experts costs in full settlement of all claims for compensation in the acquisition of Parcel 258.

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

ATTACHMENTS

Exhibit "A" – Sketch of the Subject Property

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

Reviewed by: _____



LEGAL DESCRIPTION

PARCEL 258
 PURPOSE: LIMITED ACCESS RIGHT OF WAY
 ESTATE: FEE SIMPLE

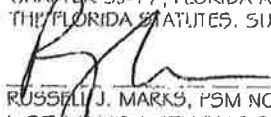
THAT PART OF THE SOUTH 1/2 OF THE SE 1/4 OF THE SE 1/4 OF SECTION 1,
 TOWNSHIP 20 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA, BEING
 THE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 3115, PAGE 570, PUBLIC
 RECORDS OF ORANGE COUNTY, FLORIDA AND BEING MORE PARTICULARLY
 DESCRIBED AS FOLLOWS:

"THE SOUTH 1/4 OF THE EAST 1/2 OF THE SOUTH 1/2 OF THE SE 1/4 OF THE
 SE 1/4, SECTION 1, TOWNSHIP 20 SOUTH, RANGE 27 EAST, (LESS ROAD WAY
 ON SOUTH AND EAST) AS RECORDED IN THE PUBLIC RECORDS OF ORANGE
 COUNTY, FLORIDA."

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 2.003 ACRES, MORE OR LESS.

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 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO CHAPTER 472 OF
 THE FLORIDA STATUTES. SUBJECT TO NOTES AND NOTATIONS SHOWN HEREON.


 RUSSELL J. MARKS, PSM NO. 5623

12/18/13
 DATE

NOT VALID WITHOUT SIGNATURE AND ORIGINAL RAISED SEAL


FOR: ORLANDO ORANGE COUNTY EXPRESSWAY AUTHORITY		STATE ROAD 429	
DESIGNED BY: RJM	DATE: 12/18/13	 URS CORPORATION 315 E. ROBINSON STREET SUITE 245 ORLANDO, FL 32801-1949 PH (407) 422-0353 LICENSED BUSINESS NO. 6839	REVISIONS:
DRAWN BY: DJK	JOB NO:		
APPROVED BY: RJM	OOCEA PROJECT NO: 429-204		SHEET: 1 OF 2

EXHIBIT "A"

SKETCH OF DESCRIPTION

PARCEL 258

PURPOSE: LIMITED ACCESS RIGHT OF WAY

ESTATE: FEE SIMPLE

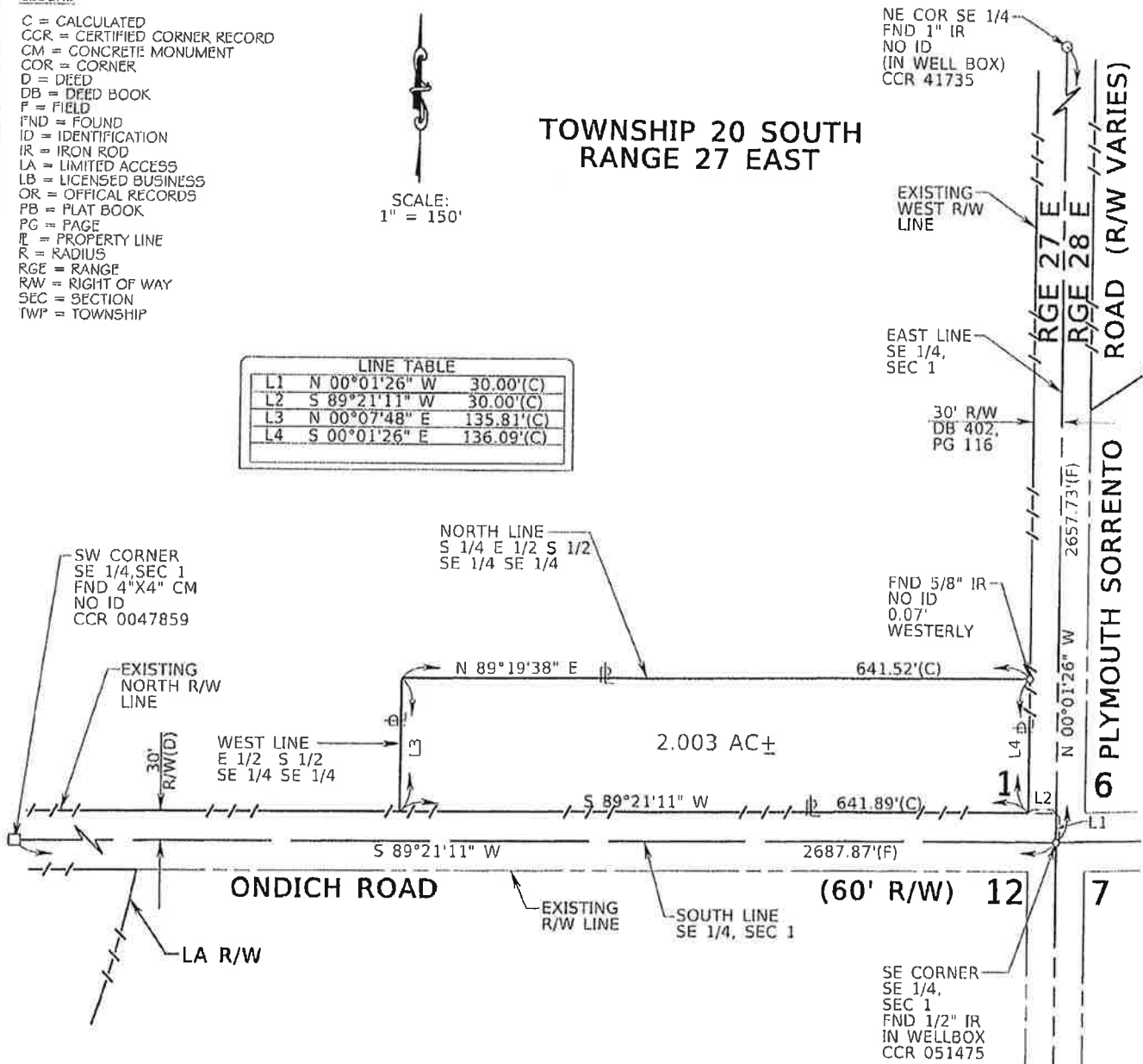
LEGEND

- C = CALCULATED
- CCR = CERTIFIED CORNER RECORD
- CM = CONCRETE MONUMENT
- COR = CORNER
- D = DEED
- DB = DEED BOOK
- F = FIELD
- FND = FOUND
- ID = IDENTIFICATION
- IR = IRON ROD
- LA = LIMITED ACCESS
- LB = LICENSED BUSINESS
- OR = OFFICAL RECORDS
- PB = PLAT BOOK
- PG = PAGE
- PL = PROPERTY LINE
- R = RADIUS
- RGE = RANGE
- R/W = RIGHT OF WAY
- SEC = SECTION
- TWP = TOWNSHIP



TOWNSHIP 20 SOUTH
RANGE 27 EAST

LINE TABLE			
L1	N 00°01'26" W	30.00'(C)	
L2	S 89°21'11" W	30.00'(C)	
L3	N 00°07'48" E	135.81'(C)	
L4	S 00°01'26" E	136.09'(C)	



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 SOUTHEAST 1/4 OF SECTION 1, TOWNSHIP 20 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA, HAVING A BEARING OF SOUTH 89°21'11" WEST.
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 "FIRST AMERICAN TITLE INSURANCE COMPANY" DATED NOVEMBER 27, 2012, FILE NO. 2037-2857102 WAS REVIEWED BY THE SURVEYOR AND EXCEPTIONS (IF ANY) NOTED ON SAID CERTIFICATE ARE SHOWN HEREON.

FOR: ORLANDO ORANGE COUNTY EXPRESSWAY AUTHORITY		STATE ROAD 429	
DESIGNED BY: RJM	DATE: 12/18/13	URS URS CORPORATION 315 E. ROBINSON STREET SUITE 245 ORLANDO, FL 32801-1949 PH (407) 422-0353 LICENSED BUSINESS NO. 6839	REVISIONS:
DRAWN BY: DJK	JOB NO:		
APPROVED BY: RJM	OOCEA PROJECT NO: 429-204		SHEET: 2 OF 2

**PHOTOGRAPHS OF SUBJECT
PARCEL 258**



1. LOOKING EAST AT THE FRONTAGE ALONG ONDICH ROAD



2. LOOKING NORTH AT THE DRIVE

Photographs Taken By:
David K. Hall
May 29, 2015

EXHIBIT "B"

**PHOTOGRAPHS OF SUBJECT
PARCEL 258**



3. LOOKING NORTHWEST AT THE SINGLE FAMILY RESIDENCE



4. LOOKING SOUTHEAST AT THE RESIDENCE

Photograph 3 Taken By:
David K. Hall
May 29, 2015

Photograph 4 Taken By:
Craig S. Adams
July 21, 2014

**PHOTOGRAPHS OF SUBJECT
PARCEL 258**

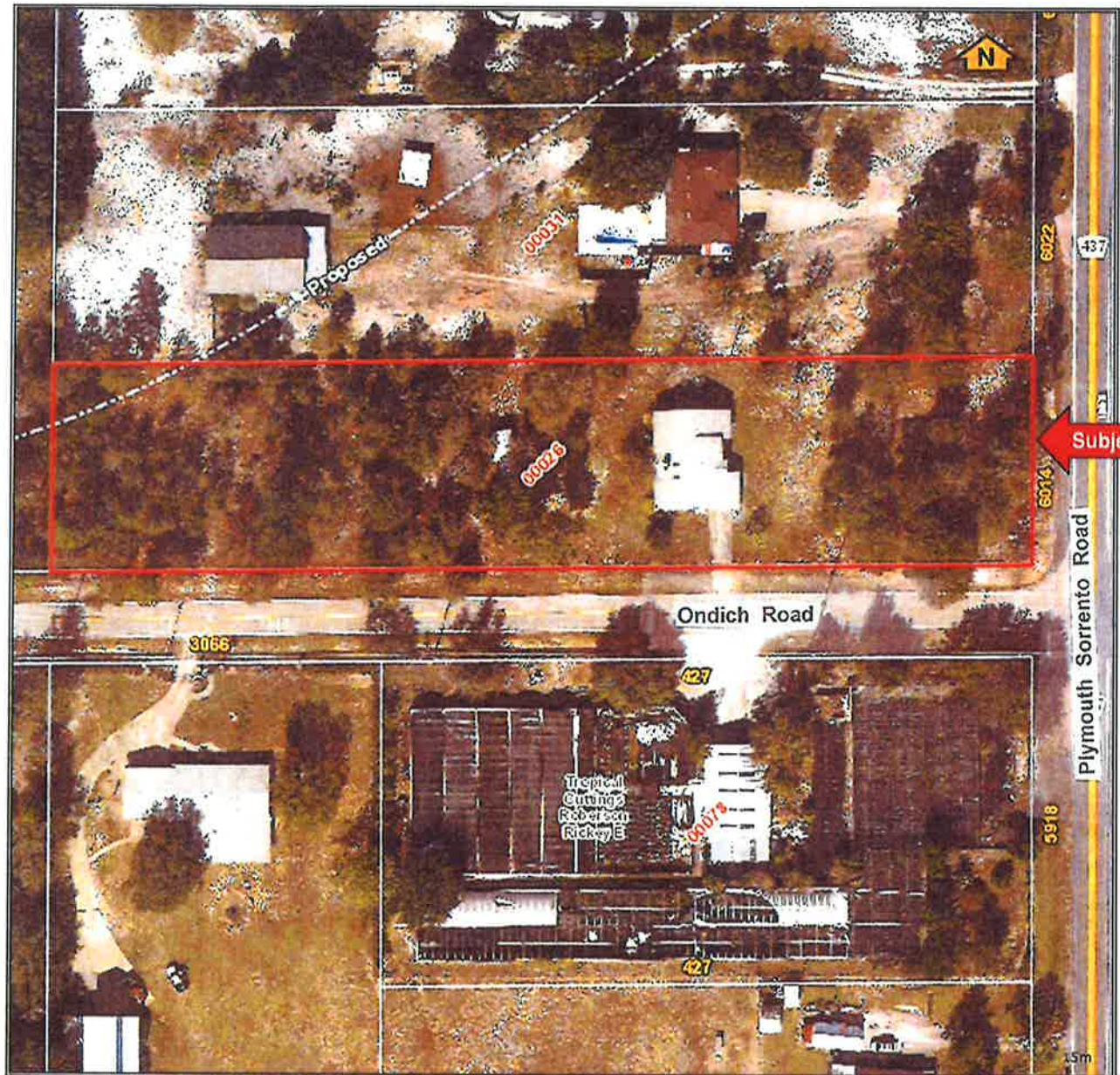


5. LOOKING SOUTHWEST AT THE RESIDENCE

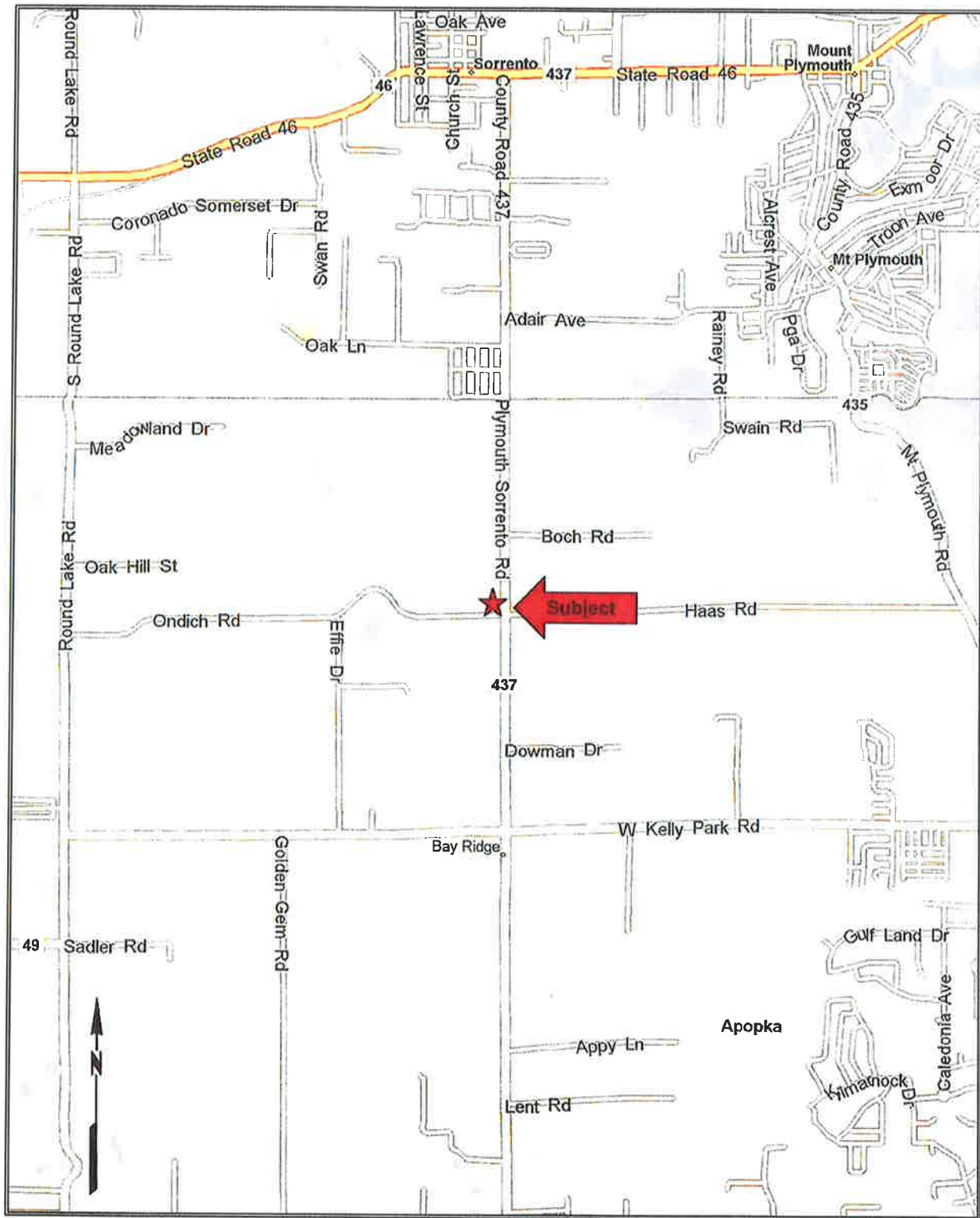


6. LOOKING WEST AT THE CARPORT/SHED

Photographs Taken By:
Craig S. Adams
July 21, 2014



**AERIAL PHOTO
PARCEL 258**



**SUBJECT LOCATION MAP
PARCEL 258**