




MEMORANDUM

TO: Central Florida Expressway Authority CLIENT-MATTER NO.: 19125.0172
Board Members

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

DATE: October 3, 2016

RE: State Road 453 Wekiva Parkway, Project 429-206; Parcel 318
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 318 owned by Alan and Karen Bridges for State Road 453 Wekiva Parkway, Project 429-206.

DESCRIPTION AND BACKGROUND

Parcel 318 is a fee simple partial taking consisting of .032 acres. The parent tract was 5.018 acres and the remainder is 4.986 ac. The property is located at 22325 Coronado Somerset in Sorrento, Florida. This is the homestead for Mr. and Mrs. Bridges. The subject property is improved with a 2,204 s.f. single family residence containing 4 bedrooms and 2 bathrooms built in 2008. Additional improvements include a 621 s.f. barn.

The CFX's appraisal of the property was prepared by Richard MacMillan of The Appraisal Group of Central Florida. Mr. MacMillan opined the highest and best use of the property is for residential. Mr. MacMillan used four (4) comparable land sales with prices ranging from \$22,917 per s.f. to \$28,713 per s.f. to arrive at an estimate of the land value of the Subject Property of \$25,000 per ac. or \$800 for the land value.

Mr. MacMillan used three (3) improved sales to determine the value of the improvements, with prices ranging from \$288,500 to \$323,000 s.f. In the after condition, the residence is within 443' of the new right-of-way line for the SR 453 roadway, which has significantly changed the character of the neighborhood in the after condition. Mr. MacMillan concluded severance damages in the amount of 25% as a result of the proximity of the roadway and the change in character of the neighborhood. Accordingly, Mr. MacMillan's total valuation for Parcel 318 is \$82,400 (\$800 land, \$400 improvements, \$81,200 damages).

Mr. and Mrs. Bridges 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 318 in the amount of \$148,800, plus statutory attorney's fees and experts costs. The Offer of Judgment reflects an increase in the land value, additional monies for the improvements and an increase in severance damages.

For the above-cited reasons, Right-of-Way counsel requests CFX Board approval for an Offer of Judgment in the amount of \$148,800, 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 \$148,800, plus statutory attorney's fees and experts costs in full settlement of all claims for compensation in the acquisition of Parcel 318.

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: _____



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

PARCEL 318

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

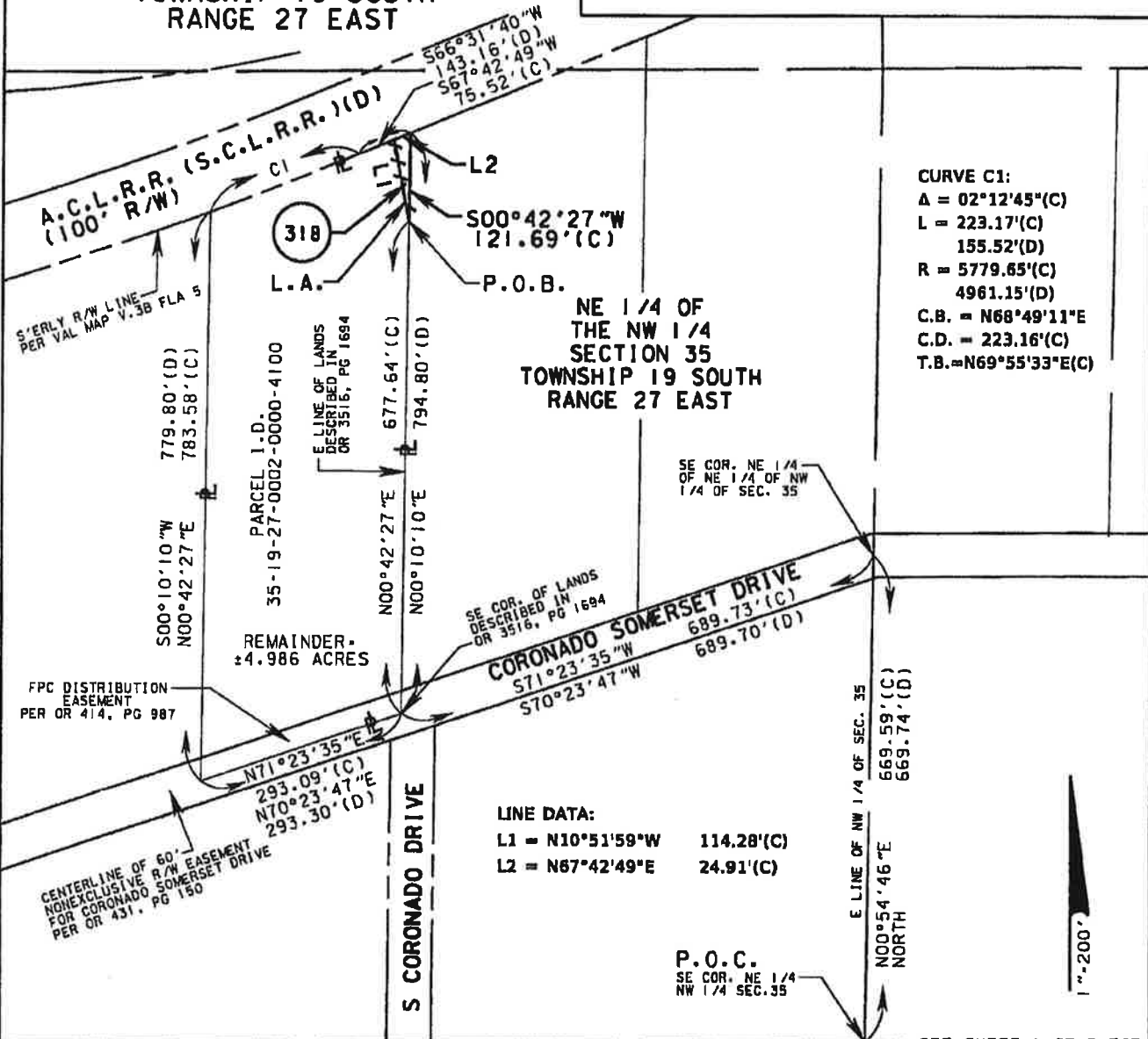
A parcel of land lying in the Northeast 1/4 of the Northwest 1/4 of Section 35, Township 19 South, Range 27 East, Lake County, Florida, being more particularly described as follows:

Commence at the Southeast corner of the Northeast 1/4 of the Northwest 1/4 of Section 35, Township 19 South, Range 27 East, Lake County, Florida; thence run North 00°54'46" East along the East line of said Northwest 1/4, a distance of 669.59 feet to the centerline of a 60.00 foot nonexclusive right of way easement for Coronado Somerset Drive per Official Records Book 431, Page 150 of the Public Records of Lake County, Florida; thence run South 71°23'35" West along said centerline, a distance of 689.73 feet to the Southeast corner of lands described in Official Records Book 3516, Page 1694 of said Public Records; thence run North 00°42'27" East along the East line of said lands, a distance of 677.64 feet to the POINT OF BEGINNING; thence departing said East line, run North 10°51'59" West, a distance of 114.28 feet to a point on the Southerly right of way line of the Atlantic Coast Line Rail Road per Right-of-Way and Track map V.3b Fla 5; thence run North 67°42'49" East along said Southerly right of way line, a distance of 24.91 feet to a point on said East line; thence departing said Southerly right of way line, run South 00°42'27" West along said East line, a distance of 121.69 feet to the POINT OF BEGINNING.

Containing 0.032 acres (1,395 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.

PARCEL: 318
SECTION 35
TOWNSHIP 19 SOUTH
RANGE 27 EAST



SEE SHEET 3 OF 3 FOR LEGEND, LINE DATA, & NOTES
 SEE SHEET 1 OF 3 FOR LEGAL DESCRIPTION
 THIS SKETCH IS NOT A SURVEY

RIGHT OF WAY PARCEL SKETCH		STATE ROAD 453 (WEKIVA PARKWAY)		CENTRAL FLORIDA EXPRESSWAY AUTHORITY		SECTION 429-206 (2C)	
DRMP PROJECT NO. 12-0150.000		SHEET 2 OF 3		DATE: 08/12/14		SKETCH PREPARED BY DRMP ENGINEERS • SURVEYORS • PLANNERS • CONSULTANTS 941 LAKE BALDWIN LANE ORLANDO, FLORIDA 32814 (407) 896-0594 L.B. No. 2648	
DEED CALL		ALG 01/15		SCALE: 1" = 200'			
ADD REMAINDER		CWW 11/14		CHECKED: ALG			
PER COMMENTS		CWW 9/14		DRAWN: BJP			
REVISION	BY	DATE	REVISION	BY	DATE		

PARCEL: 318

NOTES:


1. BEARINGS SHOWN HEREON ARE BASED ON THE EAST LINE OF THE NORTHWEST 1/4 OF SECTION 35, TOWNSHIP 19 SOUTH, RANGE 27 EAST AS BEING SOUTH 00°54'46" 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. PARCEL INFORMATION SHOWN HEREON IS SUPPORTED BY COMMITMENT FOR TITLE INSURANCE, SHUTTS AND BOWEN LLP ORDER No. 4876562, DATED JULY 13, 2014.

LEGEND:

A.C.L.R.R	=	ATLANTIC COAST LINE RAIL ROAD	OR	=	OFFICIAL RECORDS BOOK
(C)	=	CALCULATED DATA	ℙ	=	PROPERTY LINE
C.B.	=	CHORD BEARING	P.O.B.	=	POINT OF BEGINNING
C.D.	=	CHORD LENGTH	P.O.C.	=	POINT OF COMMENCEMENT
COR.	=	CORNER	No.	=	NUMBER
CM	=	CONCRETE MONUMENT	PG	=	PAGE
(D)	=	DESCRIBED DATA	R	=	RADIUS
EXIST.	=	EXISTING	REQ.	=	REQUIRED
FND.	=	FOUND	R/W	=	RIGHT-OF-WAY
FPC	=	FLORIDA POWER CORPORATION	SEC.	=	SECTION
I.D.	=	IDENTIFICATION	T.B.	=	TANGENT BEARING
IP	=	IRON PIPE	Δ	=	CENTRAL ANGLE
L	=	ARC LENGTH			
L.A.	=	LIMITED ACCESS RIGHT OF WAY			
L.B.	=	LICENSED BUSINESS			

SEE SHEET 2 OF 3
SKETCH OF DESCRIPTION

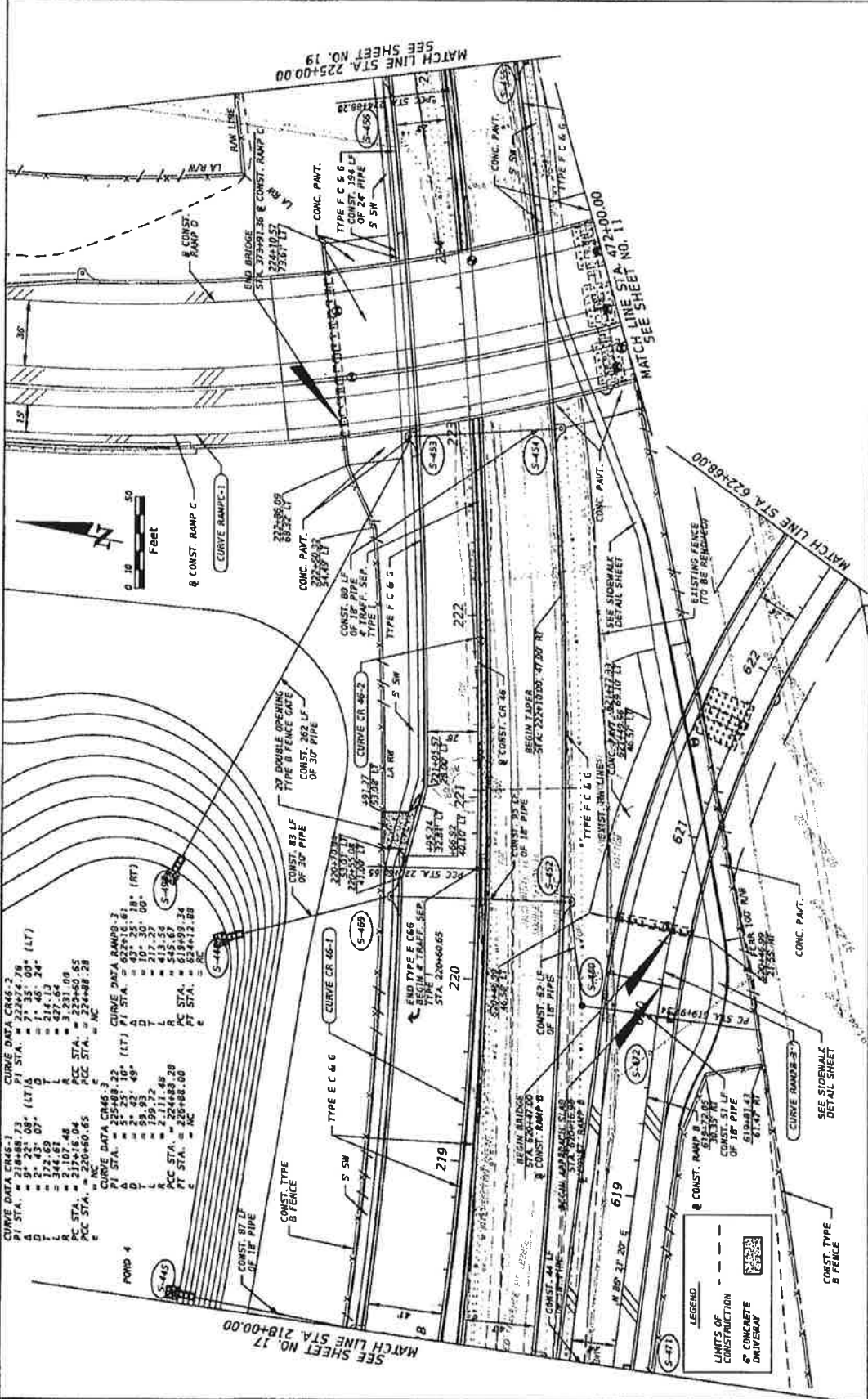
SEE SHEET 1 OF 3 FOR
LEGAL DESCRIPTION
THIS SKETCH IS NOT A SURVEY

RIGHT OF WAY PARCEL SKETCH	STATE ROAD 453 (WEKIVA PARKWAY)	CENTRAL FLORIDA EXPRESSWAY AUTHORITY	SECTION 429-206 (2C)
 ALLEN L. OUTCKEL FLORIDA REGISTERED LAND SURVEYOR NO. 6481 (NOT VALID UNLESS SIGNED AND SEALED)	DRMP PROJECT NO. 12-0150.000	SHEET 3 OF 3	DATE: 08/12/14
	DEED CALL	ALQ 01/15	SCALE: 1" = 200'
	ADD REMAINDER	CWW 11/14	CHECKED: ALQ
	PER COMMENTS	CWW 9/14	DRAWN: BJP
	REVISION	BY	DATE

SKETCH PREPARED BY



DRMP
ENGINEERS • SURVEYORS • PLANNERS • SCIENTISTS
 941 LAKE BALDWIN LANE
 ORLANDO, FLORIDA 32814
 (407) 896-0594
 L.B. No. 2648



CURVE DATA CR46-1

PI STA.	= 218+00.00
PT STA.	= 218+00.00
PC STA.	= 218+00.00
PCC STA.	= 218+00.00
END OF CURVE	= 218+00.00
START OF CURVE	= 218+00.00
CHORD BEARING	= 0° 00' 00"
CHORD DIST.	= 0.00
CHORD CURVATURE	= 0.00
CHORD SLOPE	= 0.00
CHORD ELEVATION	= 0.00
CHORD AREA	= 0.00
CHORD PERIMETER	= 0.00
CHORD CENTER OF GRAVITY	= 0.00
CHORD MOMENT OF INERTIA	= 0.00
CHORD MASS	= 0.00
CHORD WEIGHT	= 0.00
CHORD STIFFNESS	= 0.00
CHORD DEFLECTION	= 0.00
CHORD VIBRATION PERIOD	= 0.00
CHORD DYNAMIC LOAD FACTOR	= 0.00
CHORD FATIGUE LIFE	= 0.00
CHORD CRACKING	= 0.00
CHORD SPALLING	= 0.00
CHORD DISINTEGRATION	= 0.00
CHORD WEAR	= 0.00
CHORD SCOUR	= 0.00
CHORD SETTLEMENT	= 0.00
CHORD SLOTTING	= 0.00
CHORD CORROSION	= 0.00
CHORD OIL SPILLAGE	= 0.00
CHORD AIR POLLUTION	= 0.00
CHORD NOISE	= 0.00
CHORD VIBRATION	= 0.00
CHORD ACCELERATION	= 0.00
CHORD VELOCITY	= 0.00
CHORD DISPLACEMENT	= 0.00
CHORD STRAIN	= 0.00
CHORD STRESS	= 0.00
CHORD TENSILE FORCE	= 0.00
CHORD COMPRESSIVE FORCE	= 0.00
CHORD BENDING MOMENT	= 0.00
CHORD TORSION	= 0.00
CHORD SHEAR FORCE	= 0.00
CHORD AXIAL FORCE	= 0.00
CHORD CIRCULAR MOTION	= 0.00
CHORD ROTATION	= 0.00
CHORD ANGULAR VELOCITY	= 0.00
CHORD ANGULAR ACCELERATION	= 0.00
CHORD LINEAR VELOCITY	= 0.00
CHORD LINEAR ACCELERATION	= 0.00
CHORD ORBITAL VELOCITY	= 0.00
CHORD ORBITAL ACCELERATION	= 0.00
CHORD TANGENTIAL VELOCITY	= 0.00
CHORD TANGENTIAL ACCELERATION	= 0.00
CHORD RADIAL VELOCITY	= 0.00
CHORD RADIAL ACCELERATION	= 0.00
CHORD SPIN VELOCITY	= 0.00
CHORD SPIN ACCELERATION	= 0.00
CHORD PRECESSION VELOCITY	= 0.00
CHORD PRECESSION ACCELERATION	= 0.00
CHORD NUTATION VELOCITY	= 0.00
CHORD NUTATION ACCELERATION	= 0.00
CHORD LIBRATION VELOCITY	= 0.00
CHORD LIBRATION ACCELERATION	= 0.00
CHORD CHAOTIC MOTION	= 0.00
CHORD QUANTUM MECHANICS	= 0.00
CHORD RELATIVITY	= 0.00
CHORD COSMOLOGY	= 0.00
CHORD PARTICLE PHYSICS	= 0.00
CHORD ASTROPHYSICS	= 0.00
CHORD GEOPHYSICS	= 0.00
CHORD METEOROLOGY	= 0.00
CHORD CLIMATE SCIENCE	= 0.00
CHORD ENVIRONMENTAL SCIENCE	= 0.00
CHORD AGRICULTURE	= 0.00
CHORD FORESTRY	= 0.00
CHORD FISHERY	= 0.00
CHORD MARINE SCIENCE	= 0.00
CHORD OCEANOGRAPHY	= 0.00
CHORD ATMOSPHERIC SCIENCE	= 0.00
CHORD SPACE SCIENCE	= 0.00
CHORD PLANETARY SCIENCE	= 0.00
CHORD SOLAR SYSTEM SCIENCE	= 0.00
CHORD GALACTIC SCIENCE	= 0.00
CHORD COSMIC SCIENCE	= 0.00
CHORD UNIVERSE SCIENCE	= 0.00

DATE	DESCRIPTION	REVISIONS	CFX PROJ. NO.	CENTRAL FLORIDA EXPRESSWAY AUTHORITY	SHEET NO.
			429-206	PLAN SHEET 18 CR 46	48

318

PHOTOGRAPHS



(1) Easterly view of Coronado Somerset Drive.
Photograph taken by Thomas A. Riddle, MAI on July 21, 2015



(2) Northerly view driveway to subject from Coronado Somerset Drive.
Photograph taken by Thomas A. Riddle, MAI on July 21, 2015

PHOTOGRAPHS



(3) Northerly view of the subject property from Coronado Somerset Drive.
Photograph taken by Thomas A. Riddle, MAI on December 11, 2014



(4) Westerly view of Coronado Somerset Drive.
Photograph taken by Thomas A. Riddle, MAI on July 30, 2014

PHOTOGRAPHS



(5) Northerly (front) view of the subject residence.
Photograph taken by Thomas A. Riddle, MAI on July 30, 2014



(6) Easterly (side) view of the subject residence.
Photograph taken by Thomas A. Riddle, MAI on July 30, 2014

PHOTOGRAPHS



(7) Southerly (rear) view of the subject residence.
Photograph taken by Thomas A. Riddle, MAI on July 30, 2014

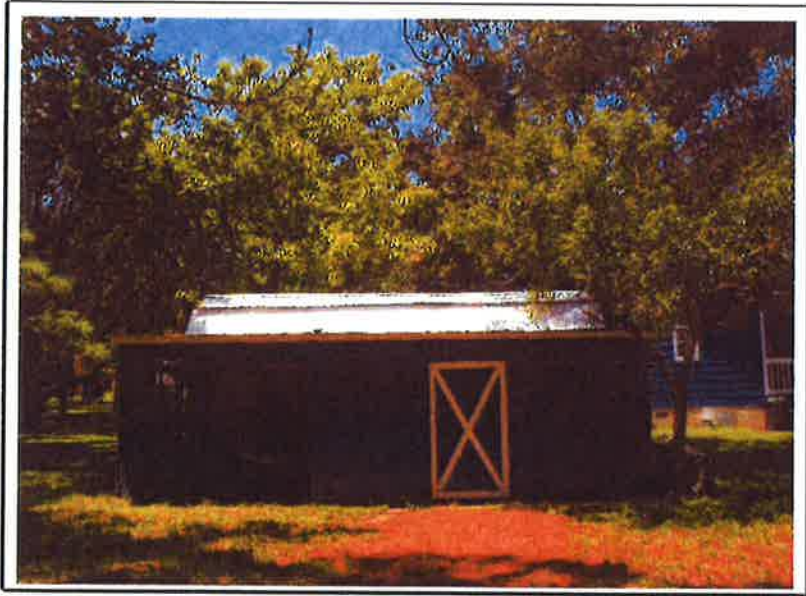


(8) Southwesterly (side & rear) view of the subject residence.
Photograph taken by Thomas A. Riddle, MAI on July 30, 2014

PHOTOGRAPHS



(9) View of the barn/stables.
Photograph taken by Thomas A. Riddle, MAI on July 30, 2014



(10) View of the barn/stables.
Photograph taken by Thomas A. Riddle, MAI on July 30, 2014

PHOTOGRAPHS



(11) Interior view of subject residence.
Photograph taken by Thomas A. Riddle, MAI on July 30, 2014



(12) Interior view of subject residence.
Photograph taken by Thomas A. Riddle, MAI on July 30, 2014

PHOTOGRAPHS



(13) Interior view of subject residence.
Photograph taken by Thomas A. Riddle, MAI on July 30, 2014



(14) Interior view of subject residence.
Photograph taken by Thomas A. Riddle, MAI on July 30, 2014

PHOTOGRAPHS



(15) Interior view of subject residence.
Photograph taken by Thomas A. Riddle, MAI on July 31, 2014



(16) Interior view of subject residence.
Photograph taken by Thomas A. Riddle, MAI on July 30, 2014

PHOTOGRAPHS



(17) Interior view of subject residence.
Photograph taken by Thomas A. Riddle, MAI on July 30, 2014

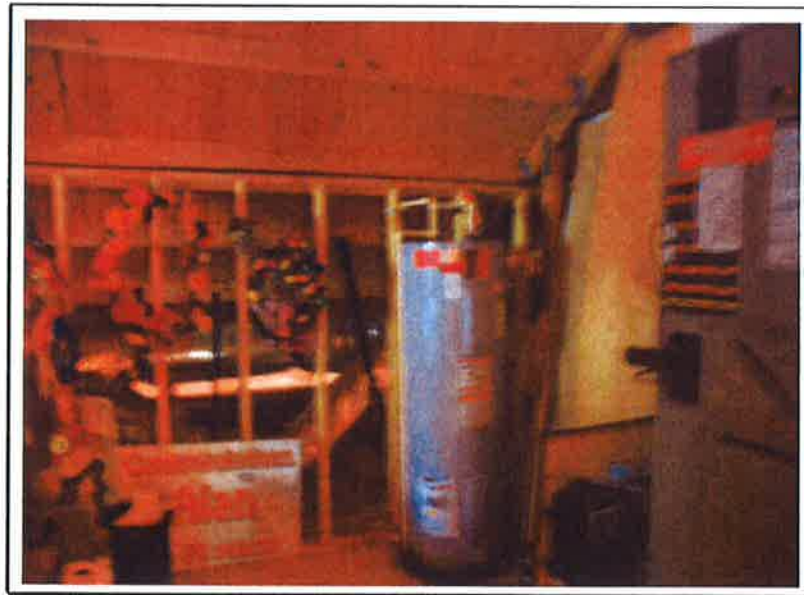


(18) Interior view of subject residence.
Photograph taken by Thomas A. Riddle, MAI on July 30, 2014

PHOTOGRAPHS



(19) Interior view of subject residence.
Photograph taken by Thomas A. Riddle, MAI on July 30, 2014



(20) Interior view of subject residence.
Photograph taken by Thomas A. Riddle, MAI on July 30, 2014

PHOTOGRAPHS



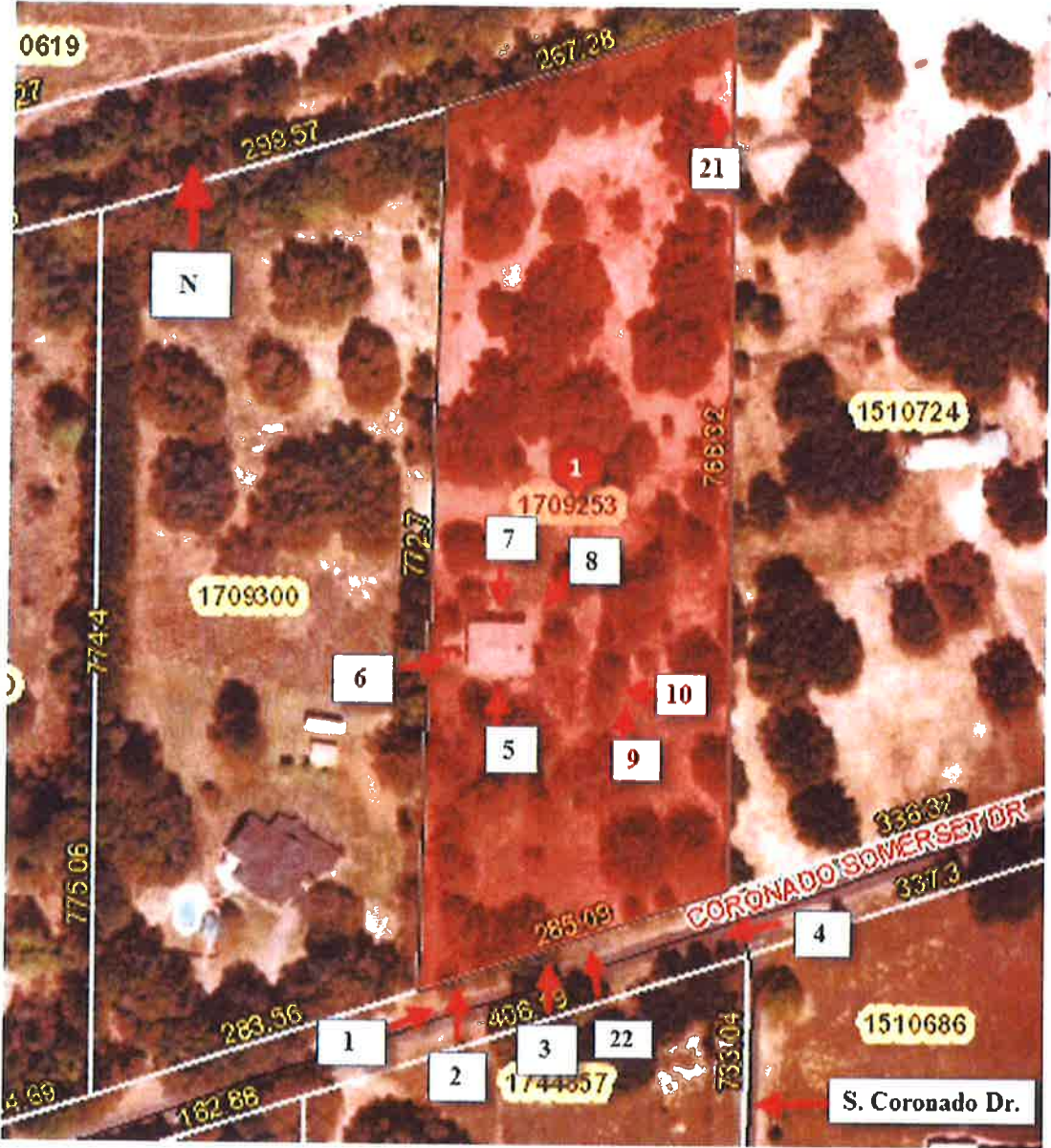
(21) North view of acquisition area.
Photograph taken by Richard K. MacMillan, MAI on July 30, 2014



(22) North view of subject property.
Photograph taken by Richard K. MacMillan, MAI on August 27, 2015

Parcel: 318
Project: Wekiva Parkway 429-206
County: Lake

Aerial Site Map of Subject with Camera Angles



Aerial from the Lake County Property Appraiser's Website