

CENTRAL FLORIDA EXPRESSWAY AUTHORITY

***AMENDED Agenda**
CENTRAL FLORIDA EXPRESSWAY AUTHORITY
RIGHT-OF-WAY COMMITTEE
September 28, 2016
2:00 p.m.

1. **CALL TO ORDER**
2. **PUBLIC COMMENT**
Pursuant to Florida Statute 286.0114 (2013) the Right of Way Committee will allow public comment on any matter either identified on this meeting agenda as requiring action, or anticipated to come before the Committee for action in reasonable proximity to this meeting. Speakers shall be limited to three minutes per person and the assignment of one person's time to another or designation of group spokesperson shall be allowed at the discretion of the Committee Chairman.
3. **APPROVAL OF MINUTES** – August 24, 2016 TAB A
Requesting approval of the 08/24/16 minutes. **Action Item.**
4. **S.R. 429 (AMERICAN FINANCE, LLC) WEKIVA PARKWAY PROJECT (PROJECT 429-204) PARCEL 251** – *David Shontz, Shutts & Bowen* TAB B
Requesting the Committee's recommendation for Board approval for service of an Offer of Judgment. **Action Item.**
5. **S.R. 429 (BROWN) WEKIVA PARKWAY PROJECT (PROJECT 429-204) PARCEL 258** – *David Shontz, Shutts & Bowen* TAB C
Requesting the Committee's recommendation for Board approval for service of an Offer of Judgment. **Action Item.**
6. **S.R. 429 (BRIDGES) WEKIVA PARKWAY PROJECT (PROJECT 429-206) PARCEL 318** – *David Shontz, Shutts & Bowen* TAB D
Requesting the Committee's recommendation for Board approval for service of an Offer of Judgment. **Action Item.**
7. **S.R. 429 (YEOMANS) WEKIVA PARKWAY PROJECT (PROJECT 429-206) PARCEL 319** – *David Shontz, Shutts & Bowen* TAB E
Requesting the Committee's recommendation for Board approval for service of an Offer of Judgment. **Action Item.**
8. **S.R. 429 (SIMMONS) WEKIVA PARKWAY PROJECT (PROJECT 429-203) PARCEL 168** – *David Shontz, Shutts & Bowen* TAB F
Requesting the Committee's recommendation for Board approval for service of an Offer of Judgment. **Action Item.**

(CONTINUED ON PAGE 2)

CENTRAL FLORIDA EXPRESSWAY AUTHORITY

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9. **S.R. 429 (WATSON) WEKIVA PARKWAY PROJECT (PROJECT 429-203)**
PARCEL 179 – *David Shontz, Shutts & Bowen* TAB G
Requesting the Committee's recommendation for Board approval for service of an Offer of Judgment. **Action Item.**
10. **S.R. 429 (EVERLY) WEKIVA PARKWAY PROJECT (PROJECT 429-204)**
PARCEL 242 – *David Shontz, Shutts & Bowen* TAB H
Requesting the Committee's recommendation for Board approval for service of an Offer of Judgment. **Action Item.**
11. **S.R. 429 (GRIMM) WEKIVA PARKWAY PROJECT (PROJECT 429-203) PARCEL 173** – *Linda Brehmer Lanosa, CFX* TAB I
Requesting the Committee's recommendation for Board approval for a proposed Mediated Settlement Agreement. **Action Item.**
12. **S.R. 429 (HMF, LLC) WEKIVA PARKWAY PROJECT (PROJECT 429-204)**
PARCEL 301 – *Linda Brehmer Lanosa, CFX* TAB J
Requesting the Committee's recommendation for Board approval for service of an Offer of Judgment. **Action Item.**
13. **S.R. 429 (BENTON) WEKIVA PARKWAY PROJECT (PROJECT 429-204)**
PARCELS 320/820 – *Linda Brehmer Lanosa, CFX* TAB K
Requesting the Committee's recommendation for Board approval for a proposed settlement agreement. **Action Item.**
14. **S.R. 429 (BENTON) WEKIVA PARKWAY PROJECT (PROJECT 429-204)**
PARCELS 322/822 – *Linda Brehmer Lanosa, CFX* TAB L
Requesting the Committee's recommendation for Board approval for a proposed settlement agreement. **Action Item.**
- *15. **S.R. 453 (LAKE COUNTY FRUIT CORPORATION) WEKIVA PARKWAY PROJECT / PROJECT 429-206 PARCEL 331 PARTS A & B AND PARCEL 332** TAB M
Linda Brehmer Lanosa, CFX
Requesting the Committee's recommendation for Board approval for a proposed Joint Motion for Stipulated Final Judgment. **Action Item.**

(CONTINUED ON PAGE 3)

***AMENDED Agenda
RIGHT-OF-WAY COMMITTEE
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- *16. S.R. 429 (WEKIVA PARKWAY PROJECT) PROJECTS 429-203 & 429-204
PARCELS 197/897, 230, 257 & 267 – *Joseph L. Passiatore, CFX***
Consideration of Right of Way Legal Counsel Services Contract for above parcels
(Project Orlando). **Action Item.**

TAB N

17. OTHER BUSINESS

18. ADJOURNMENT

*Amended to include Item #15 and revised #16.

This meeting is open to the public.

Section 286.0105, Florida Statutes states that if a person decides to appeal any decision made by a board, agency, or commission with respect to any matter considered at a meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

In accordance with the Americans with Disabilities Act (ADA), if any person with a disability as defined by the ADA needs special accommodation to participate in this proceeding, then not later than two (2) business days prior to the proceeding, he or she should contact the Central Florida Expressway Authority at 407-690-5000.

Persons who require translation services, which are provided at no cost, should contact CFX at (407) 690-5000 x5317 or by email at lrnretta.dennis@CFXway.com at least three business days prior to the event.

Tab A

CENTRAL FLORIDA EXPRESSWAY AUTHORITY

MINUTES
CENTRAL FLORIDA EXPRESSWAY AUTHORITY
Right of Way Committee Meeting
August 24, 2016
Location: CFX Boardroom

Committee Members Present:

Sandy Minkoff, Lake County Representative, Committee Chairman
Jean Jreij, Seminole County Representative
Laurie Botts, City of Orlando Representative
Brendon Dedekind, Citizen Representative
Ann Caswell, Orange County Representative
Frank Raymond, Osceola County Representative

Committee Members Not Present:

Christopher Murvin, Citizen Representative

CFX Staff Present at Dais:

Joseph L. Passiatore, General Counsel
Laura Kelley, Executive Director
Linda S. Brehmer Lanosa, Deputy General Counsel
Mimi Lamaute, Paralegal/Recording Secretary

Item 1: CALL TO ORDER

The meeting was called to order at 2:00 p.m. by Chairman Minkoff.

Item 2: PUBLIC COMMENT

There was no public comment.

Item 3: APPROVAL OF MINUTES

Action: A motion was made by Ms. Caswell and seconded by Ms. Botts to approve the July 27, 2016 Right of Way Committee meeting minutes as presented.

Vote: The motion carried unanimously with six members present and voting AYE by voice vote, Mr. Murvin was not present.

**Item 4: S.R. 414 (CFX) MAITLAND BOULEVARD EXTENSION PROJECT / PHASE 2
(PROJECT 429-200) PARCEL 229A - PART A**

Ms. Keeter with Atkins stated that this matter was before the Committee at the July Committee meeting. The City of Apopka has requested that roundabouts be constructed along Marden Road at each ramp. This would necessitate both Emerson and CFX conveying small parcels of right-of-way to the City of Apopka.

The CFX General Engineering Consultant, Atkins has reviewed the plans to the extent necessary to determine the right-of-way requirements as well as the legal descriptions and has opined that conveyance of the roundabout property to the City, retaining the right to re-acquire the property and a first right of refusal (at no cost) should the property cease to be used as public right-of-way, will not detrimentally affect the Expressway System.

Ms. Botts commented on first right of refusal versus a reverter clause. She is in favor of a reverter clause as this would ensure the property would come back to CFX in the event the improvements were never built or no longer used for the intended purpose. She suggested that the reverter clause contain a timeframe of 2 to 3 years to ensure they have plenty of time for construction.

Mr. Passiatore opined that CFX is adequately protected with the language currently in the agreement. He pointed out possible reasons why CFX may not want to take the property back in the future without first reviewing the condition of the property.

As proposed by Mr. Passiatore as an additional safeguard, the Mayor of Apopka stipulated for the record that in the event the parcel being donated by CFX is not used by the City of Apopka for the purpose stated in the agreement, the City of Apopka will abide by the deed and provide CFX with written notice, so that CFX can exercise the Right of First Refusal.

Mr. Dedekind suggested that the documents be held in escrow until the project has been built.

Action: A motion was made by Ms. Caswell and seconded by Mr. Raymond to recommend to the Board approval of the acceptance of the Special Warranty deed and conveyance of the Quitclaim deed to the City of Apopka.

Vote: The motion carried unanimously with six members present and voting AYE by voice vote, Mr. Murvin was not present.

Item 5: S.R. 453 (CSX) WEKIVA PARKWAY PROJECT (PROJECT 429-206) PARCELS 827/727

Ms. Brehmer Lanosa described the subject property located in Lake County. CFX is acquiring two parcels from CSX Transportation. Parcel 827 is an irregularly shaped, non-exclusive permanent easement to

construct and maintain support columns for the overhead roadway, excluding the right to cross the railroad tracks at grade. Parcel 827 is 0.649 acres and extends across the 100-foot width of the parent tract. Michael A. McElveen, MAI, CCIM, appraised the property on behalf of CFX. Mr. McElveen estimated the total value of Parcel 827 and 727 at \$28,300.

CFX and CSX Transportation's tenant, the Florida Central Railroad Company, previously entered into an agreement to pay flagging fees and costs arising out of the acquisition of parcels 827 and 727.

After the claim by the tenant was resolved, Ms. Keeter from Atkins was able to negotiate a resolution with the owner of the property, CSX Transportation, for the additional sum of \$1,180, which sum includes the payment of attorney's fees, expert fees, and costs, for a total of \$29,480 as full compensation for the taking of Parcels 827 and 727.

Action: A motion was made by Ms. Botts and seconded by Mr. Raymond to recommend to the Board approval of the proposed Joint Motion for Stipulated Final Judgment in the amount of \$29,480, resolving all claims for compensation for the taking of Parcels 827 and 727, including severance damages, business damages, tort damages, interest, attorney's fees, attorney's costs, expert fees, expert costs, and any other claim, subject to apportionment, if any.

Vote: The motion carried unanimously with six members present and voting AYE by voice vote, Mr. Murvin was not present.

Item 6: COMMITTEE CHAIR ANNUAL ROTATION

Mr. Minkoff announced that according to the Right of Way Committee Charter, Orange County representative, Ann Caswell will serve as chairman beginning next month.

Mr. Minkoff stated that the Right of Way Committee Charter requires the Right of Way Committee Chairman to attend the monthly Board meetings. However, he has confirmed with the Board Chairman, Mr. Cadwell that the Right of Way Committee Chairman does not have to attend the Board meetings unless there was a specific item requiring further clarification. He suggested contacting Mr. Cadwell to confirm.

Item 7: OTHER BUSINESS

By consensus the Committee agreed that due to the holidays, the November meeting will be incorporated with the December meeting and held in the early part of December.

Mr. Raymond thanked Mr. Minkoff for his outstanding service as Chairman.

Item 8: ADJOURNMENT

Chairman Minkoff adjourned the meeting at approximately 2:23 p.m.

Minutes approved on _____, 2016.


Pursuant to the Florida Public Records Law and CFX Records Management Policy, audio tapes of all Board and applicable Committee meetings are maintained and available upon request to the Records Management Liaison Officer at publicrecords@CFXWay.com or 4974 ORL Tower Road, Orlando, FL 32807.

Tab B



MEMORANDUM

TO: Central Florida Expressway Authority CLIENT-MATTER NO.: 19125.0147
Right-of-Way Committee Members

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

DATE: September 14, 2016

RE: State Road 429 Wekiva Parkway, Project 429-204; Parcel 251
Proposed Offer of Judgment

Shutts & Bowen LLP, Right-of-Way Counsel, seeks the recommendation of the Right-of-Way Committee for an Offer of Judgment in full settlement of Parcel 251 owned by American Finance, LLC for State Road 429 Wekiva Parkway, Project 429-204.

DESCRIPTION AND BACKGROUND

Parcel 251 is a fee simple whole taking consisting of .76 acres. The property is located at 3305 Ondich Rd. in unincorporated Orange County, Florida. The subject property is improved with a 1,260 s.f. log cabin containing 4 bedrooms and 1 bathroom built in 1981. 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 \$35,000 per lot to \$41,800 per lot to arrive at an estimate of the land value of the Subject Property of \$41,000 per lot.

Mr. Hall used four (4) improved sales to determine the value of the improvements, with prices ranging from \$63.48 to \$76.82 s.f. Mr. Hall concluded a value of \$75 per s.f. for the improvements or \$94,500. Accordingly, Mr. Hall's total valuation of the taking of Parcel 251 is \$135,500.

American Finance, LLC is 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 251 in the amount of \$171,000, plus statutory attorney's fees and experts costs. The Offer of Judgment reflects a slight increase in the land value and additional monies for the improvements.

For the above-cited reasons, Right-of-Way counsel requests a recommendation for approval of an Offer of Judgment in the amount of \$171,000, plus statutory attorney's fees and experts costs, which is in the CFX's best interest.

RECOMMENDATION

We respectfully request that the Right-of-Way Committee recommend to the CFX Board the approval of the Offer of Judgment in the amount of \$171,000, plus statutory attorney's fees and experts costs in full settlement of all claims for compensation in the acquisition of Parcel 251.

ATTACHMENTS

Exhibit "A" – Sketch of the Subject Property

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

LEGAL DESCRIPTION

PARCEL 251
 PURPOSE: LIMITED ACCESS RIGHT OF WAY
 ESTATE: FEE SIMPLE


THAT PART OF THE SOUTH 1/2 OF THE SE 1/4 OF THE SW 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 7844, PAGE 4027 AND BOOK 8432, PAGE 4446, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

"THE WEST 110 FEET OF THE EAST 330 FEET OF THE SOUTH 1/2 OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 1, TOWNSHIP 20 SOUTH, RANGE 27 EAST, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, LESS THE SOUTH 30 FEET FOR ROAD RIGHT-OF-WAY."

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 0.760 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, PSAI 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 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

SKETCH OF DESCRIPTION

PARCEL 25 I
 PURPOSE: LIMITED ACCESS RIGHT OF WAY
 ESTATE: FEE SIMPLE

TOWNSHIP 20 SOUTH, RANGE 27 EAST

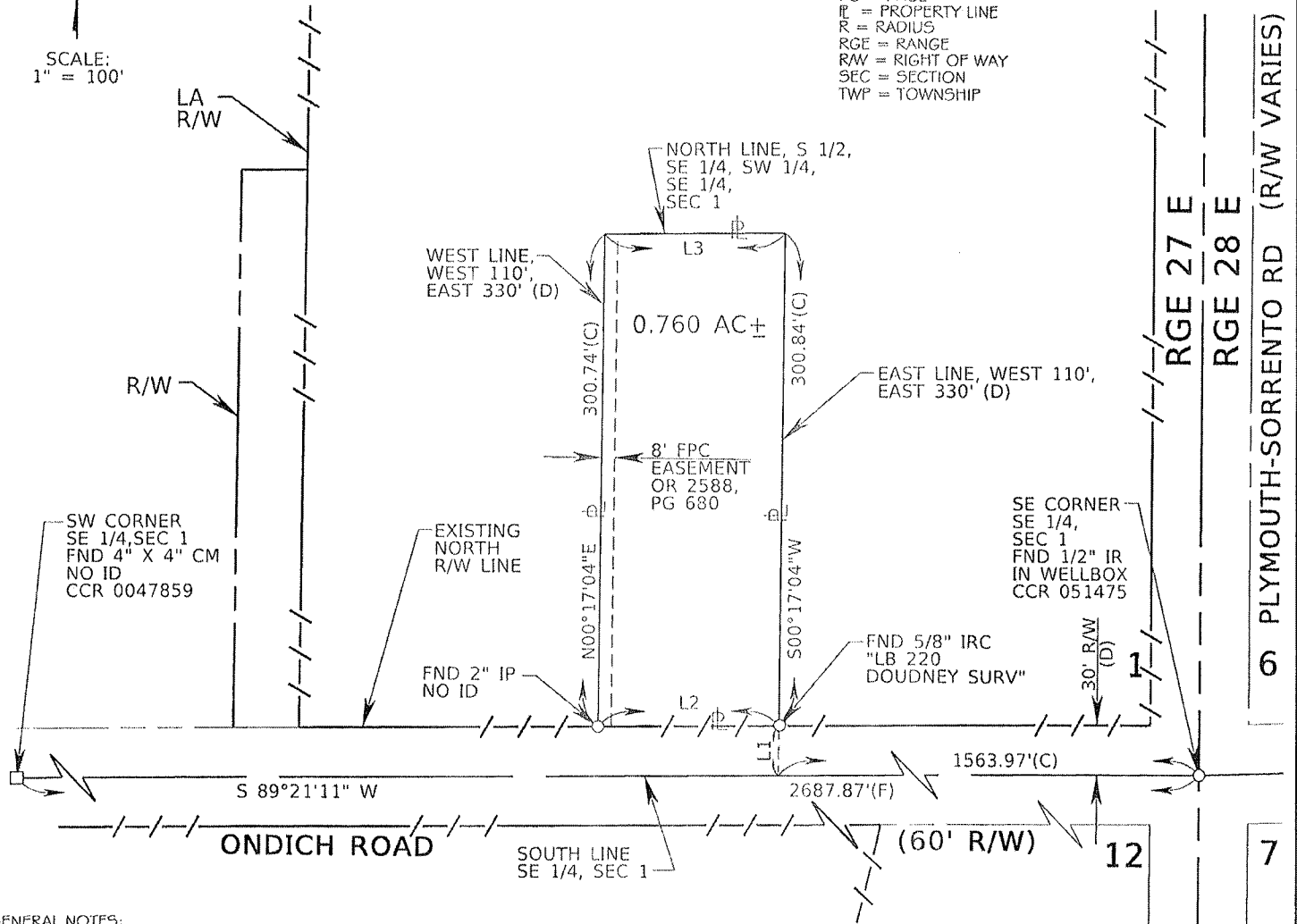
LINE TABLE

L1	N 00°17'04" E	30.00'(C)
L2	S 89°21'11" W	110.01'(C)
L3	N 89°18'06" E	110.02'(C)

LEGEND

- C = CALCULATED
- CCR = CERTIFIED CORNER RECORD
- CM = CONCRETE MONUMENT
- COR = CORNER
- D = DEED
- DB = DEED BOOK
- F = FIELD
- FND = FOUND
- FPC = FLORIDA POWER CORPORATION
- 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
- RAW = RIGHT OF WAY
- SEC = SECTION
- TWP = TOWNSHIP

SCALE:
 1" = 100'



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 20, 2012, FILE NO. 2037-2856989 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 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 251**



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 251**



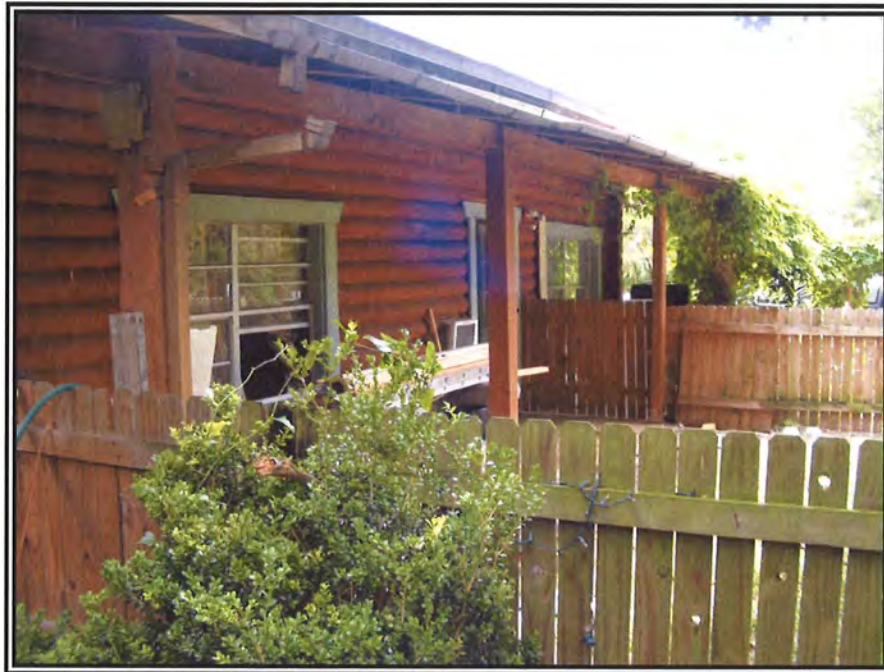
3. LOOKING NORTHWEST AT THE RESIDENCE



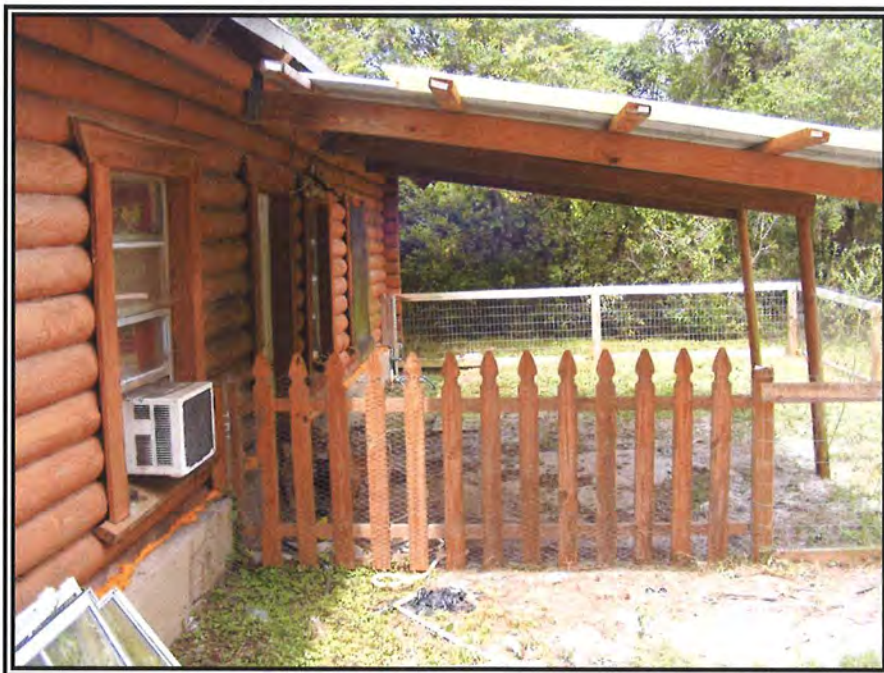
4. LOOKING NORTHWEST AT THE FRONT PORCH

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

**PHOTOGRAPHS OF SUBJECT
PARCEL 251**



5. LOOKING NORTHEAST AT THE RESIDENCE

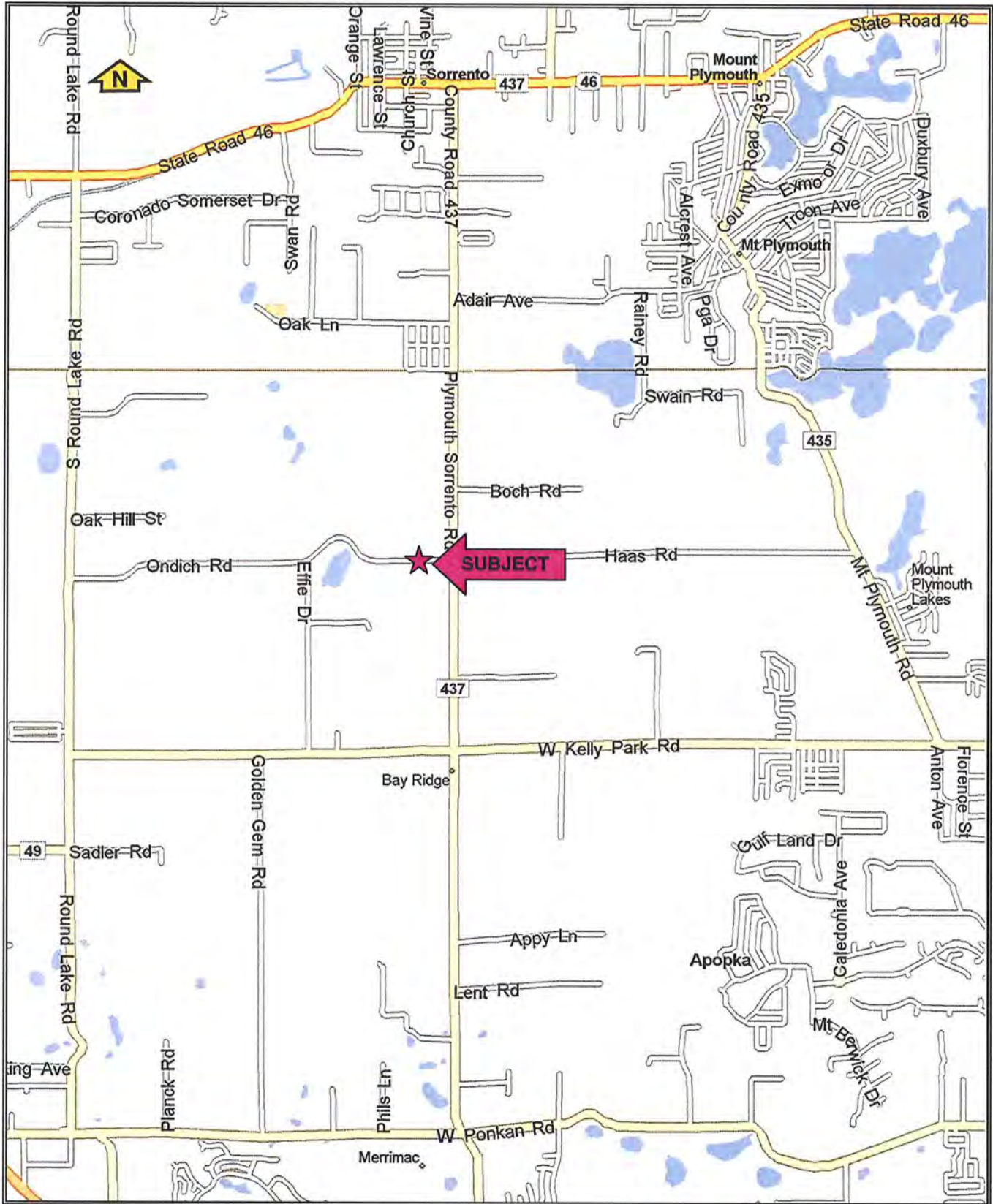


6. LOOKING WEST AT THE RESIDENCE

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



AERIAL PHOTO
PARCEL 251




**SUBJECT LOCATION MAP
PARCEL 251**

Tab C



MEMORANDUM

TO: Central Florida Expressway Authority CLIENT-MATTER NO.: 19125.0151
Right-of-Way Committee Members

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

DATE: September 14, 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 recommendation of the Right-of-Way Committee 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 is 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 \$322,000, 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 a recommendation for approval of an Offer of Judgment in the amount of \$322,000, plus statutory attorney's fees and experts costs, which is in the CFX's best interest.

RECOMMENDATION

We respectfully request that the Right-of-Way Committee recommend to the CFX Board the approval of the Offer of Judgment in the amount of \$322,000, plus statutory attorney's fees and experts costs in full settlement of all claims for compensation in the acquisition of Parcel 258.

ATTACHMENTS

Exhibit "A" – Sketch of the Subject Property

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

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

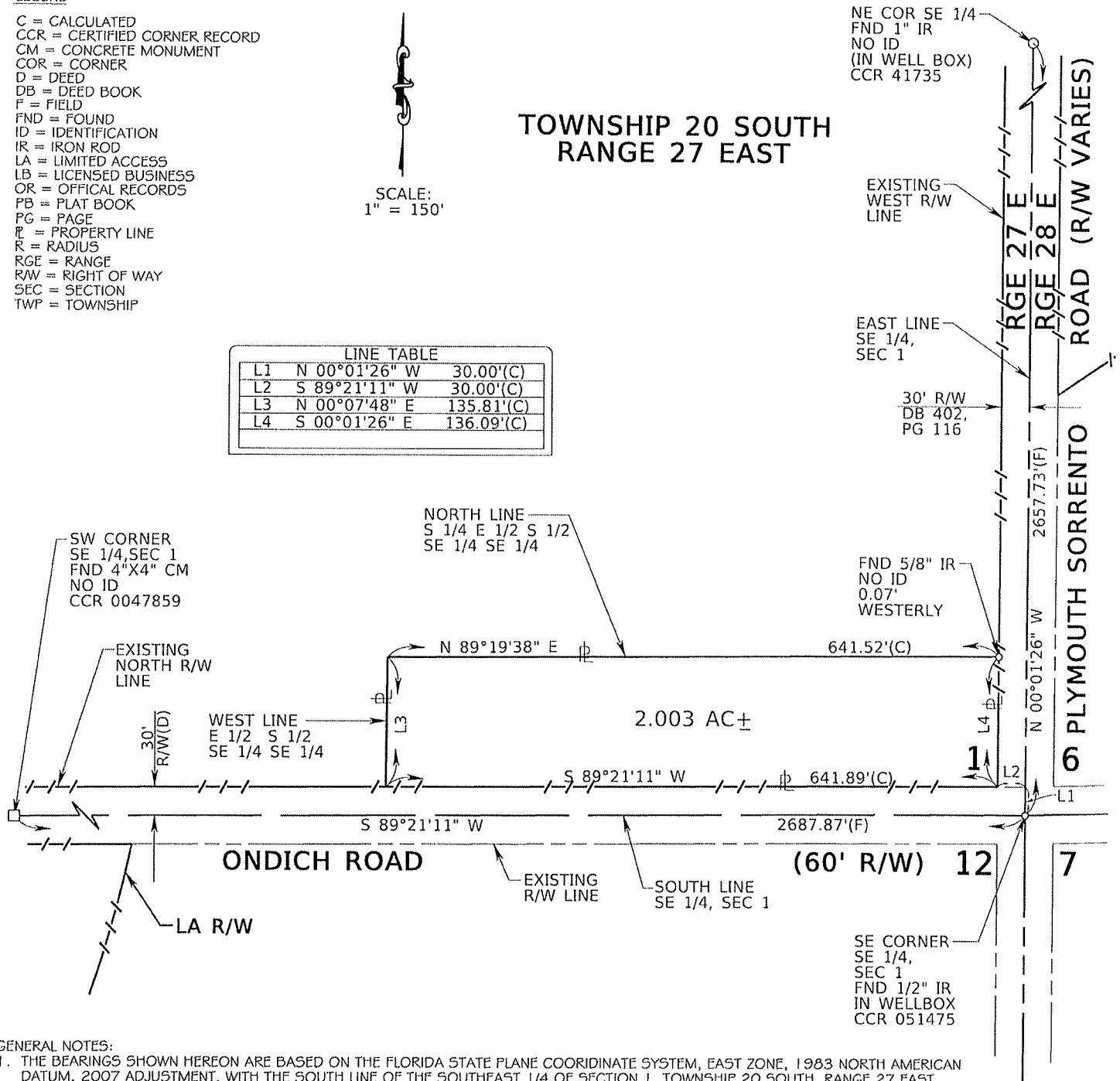
LEGEND

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- LB = LICENSED BUSINESS
- OR = OFFICIAL RECORDS
- PB = PLAT BOOK
- PG = PAGE
- P = 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

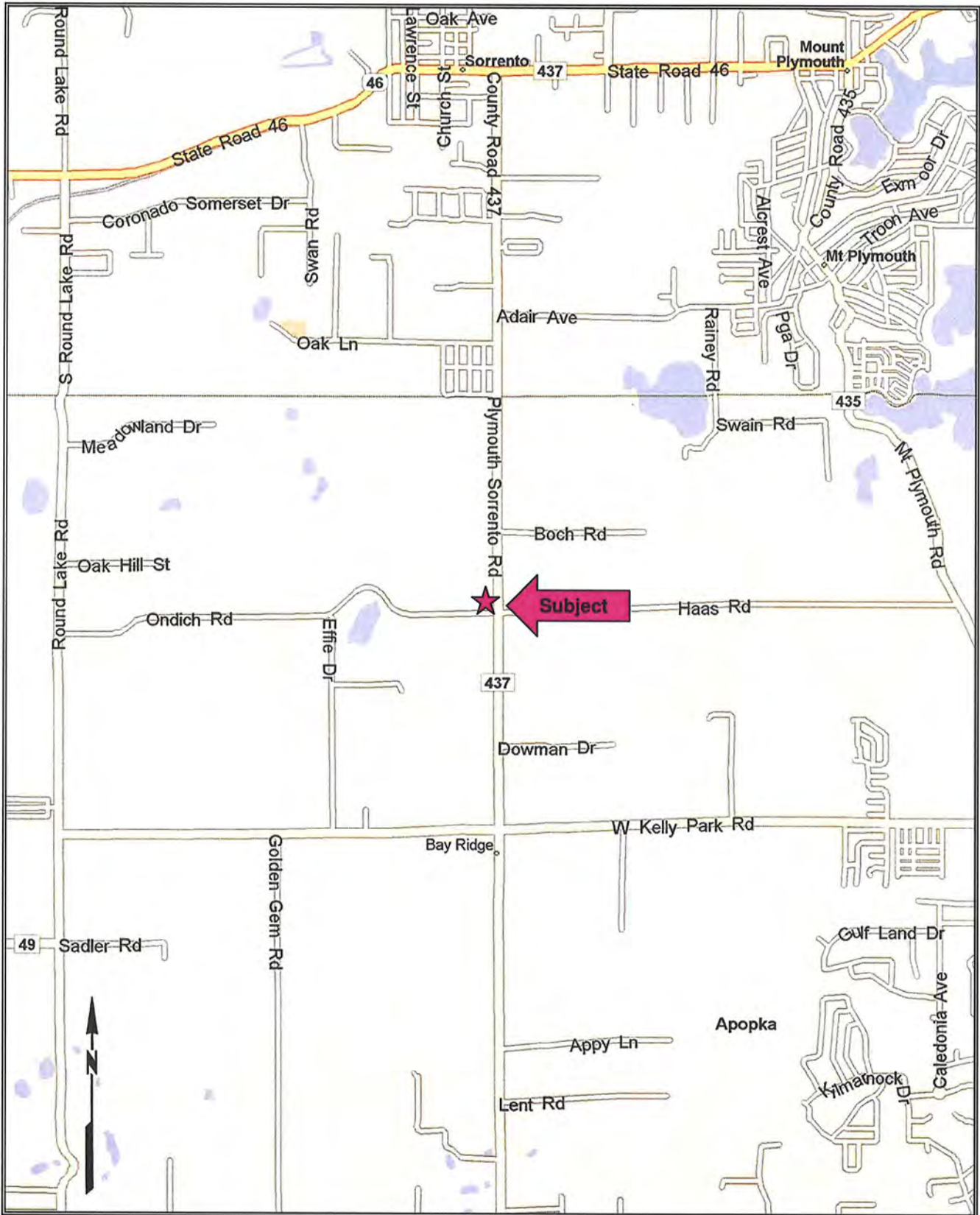


6. LOOKING WEST AT THE CARPORT/SHED

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



AERIAL PHOTO
PARCEL 258



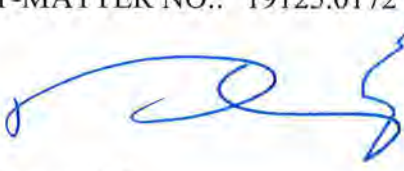
**SUBJECT LOCATION MAP
PARCEL 258**

Tab D



MEMORANDUM

TO: Central Florida Expressway Authority CLIENT-MATTER NO.: 19125.0172
Right-of-Way Committee Members

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

DATE: September 14, 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 recommendation of the Right-of-Way Committee 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. 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 \$124,000, 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 a recommendation for approval of an Offer of Judgment in the amount of \$124,000, plus statutory attorney's fees and experts costs, which is in the CFX's best interest.

RECOMMENDATION

We respectfully request that the Right-of-Way Committee recommend to the CFX Board the approval of the Offer of Judgment in the amount of \$124,000, plus statutory attorney's fees and experts costs in full settlement of all claims for compensation in the acquisition of Parcel 318.

ATTACHMENTS

- Exhibit "A" – Sketch of the Subject Property
- Exhibit "B" – Photographs of the Subject Property and Area

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

PARCEL 318

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

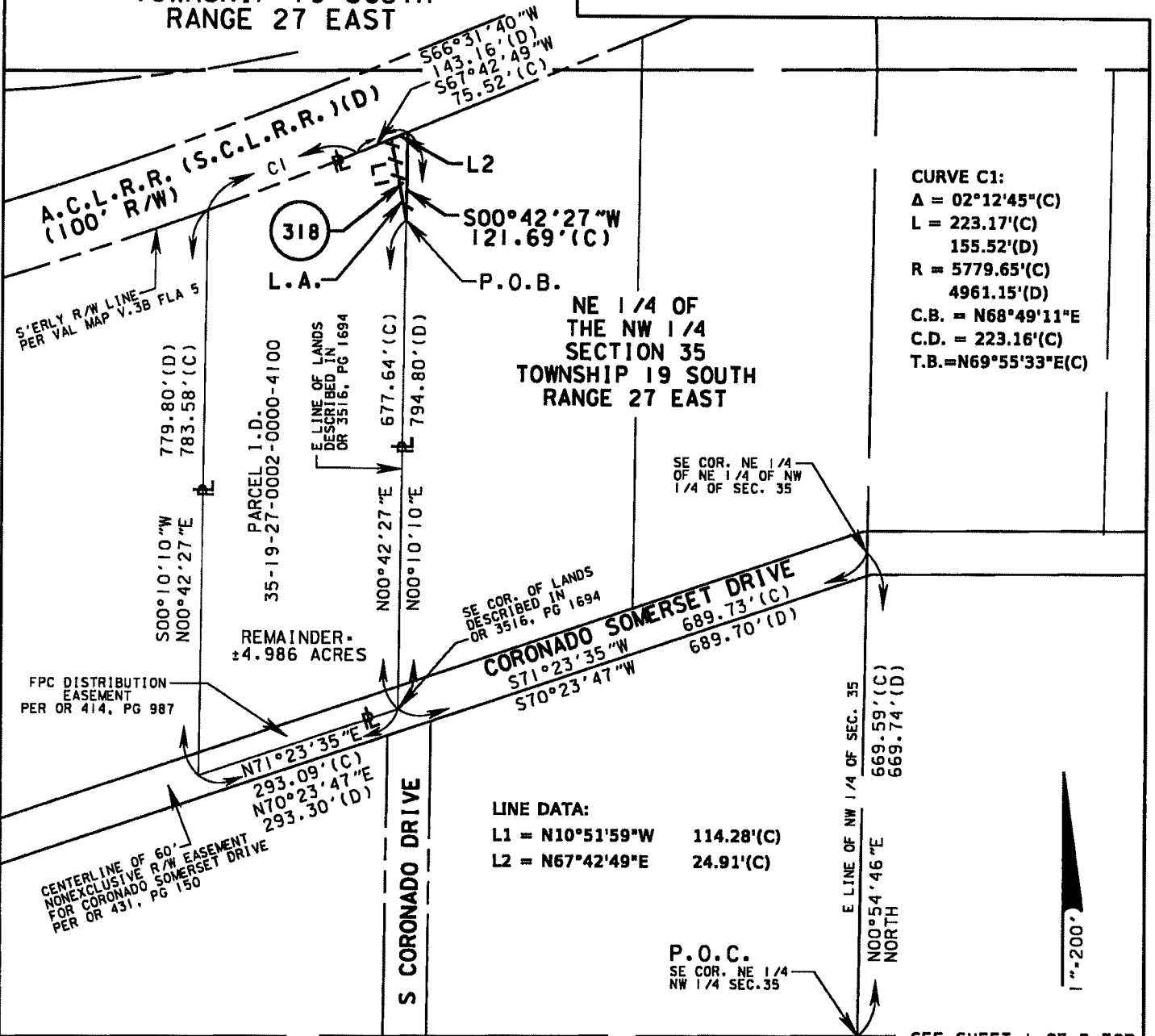
A parcel of land lying in the Northeast 1/4 of the Northwest 1/4 of Section 35, Township 19 South, Range 27 East, Lake County, Florida, being more particularly described as follows:

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 • SCIENTISTS 941 LAKE BALDWIN LANE ORLANDO, FLORIDA 32814 (407) 896-0594 L.B. No. 2648	
DEED CALL		ALO		01/15			
ADD REMAINDER		CWW		11/14			
PER COMMENTS		CWW		9/14			
REVISION	BY	DATE	REVISION	BY	DATE	DRAWN: BJP	

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.

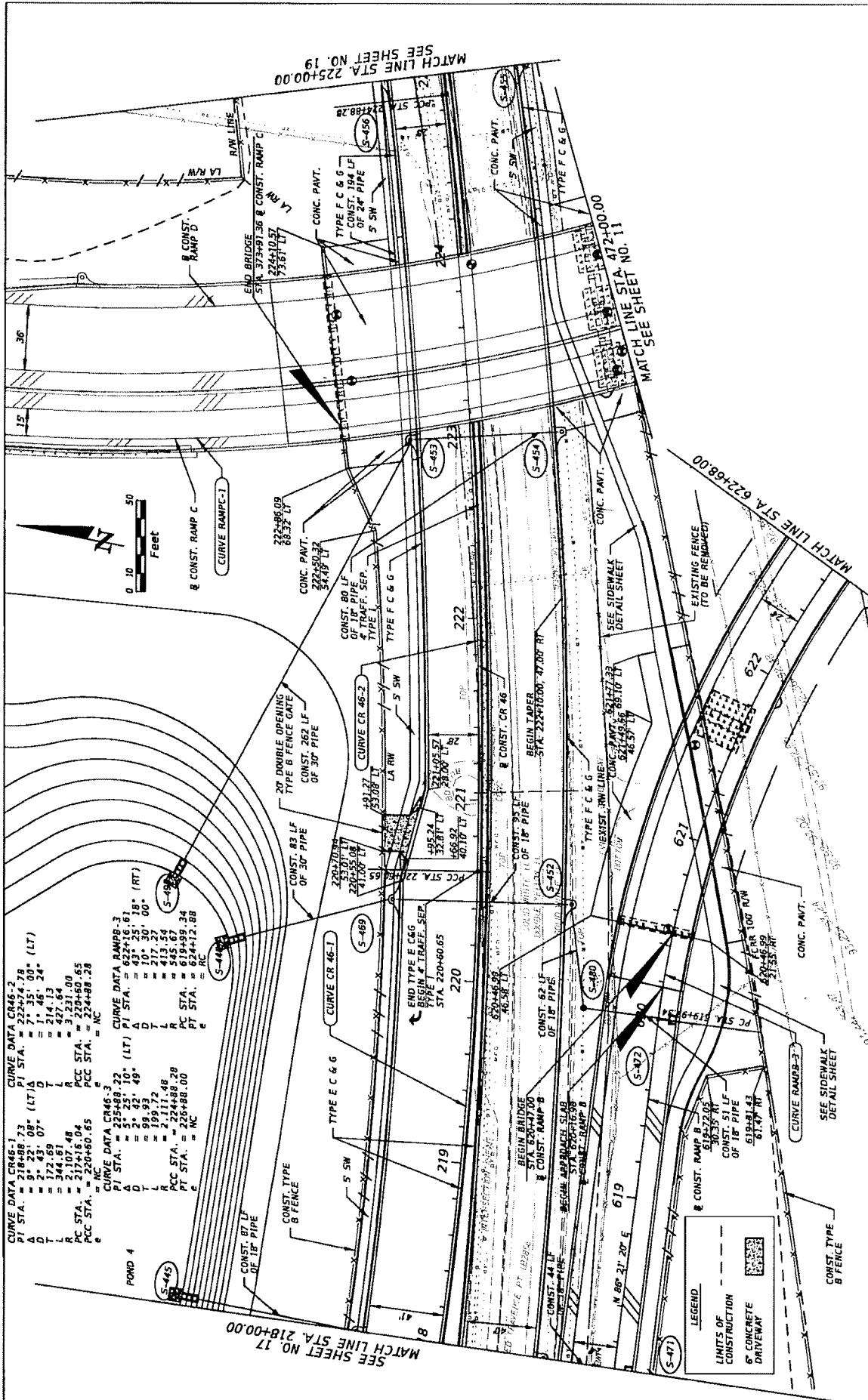
LEGEND:

- | | | | | | |
|-----------|---|-------------------------------|--------|---|-----------------------|
| A.C.L.R.R | = | ATLANTIC COAST LINE RAIL ROAD | OR | = | OFFICIAL RECORDS BOOK |
| (C) | = | CALCULATED DATA | R | = | 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. QUICKEL 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		ALO	01/15	SCALE: 1" = 200'	
		ADD REMAINDER		CWW	11/14	CHECKED: ALO	
		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

PT STA. = 182+68.72
 A I STA. = 182+68.72
 D = 2* 43' 07"
 T = 172.69
 L = 344.61
 PC STA. = 217+16.04
 PCC STA. = 220+80.65

CURVE DATA CR46-2

PT STA. = 72+54.00 (LT)
 A I STA. = 72+54.00 (LT)
 D = 1* 45' 34"
 T = 214.13
 L = 427.64
 PC STA. = 220+80.65
 PCC STA. = 224+88.28

CURVE DATA CR46-3

PT STA. = 51* 28' 16" (LT)
 A I STA. = 51* 28' 16" (LT)
 D = 2* 42' 48"
 T = 10* 30' 00"
 L = 413.54
 PC STA. = 619+99.24
 PCC STA. = 624+12.88

CURVE DATA RAMP-3

PT STA. = 622+16.61
 A I STA. = 43* 25' 18" (RT)
 D = 10* 30' 00"
 T = 10* 30' 00"
 L = 413.54
 PC STA. = 619+99.24
 PCC STA. = 624+12.88

DATE	DESCRIPTION	REVISIONS	DATE	DESCRIPTION

THEP H. WADSWORTH, P.E. LICENSE NO. 5780
 241 N. Magnolia Ave.
 Orlando, FL 32808
 WBO CONSULTING & ENGINEERING, INC.
 CERTIFICATE OF AUTHORIZATION NO. 6756

CFX PROJ. NO. 429-206
 PLAN SHEET 18
 CR 46
 SHEET NO. 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

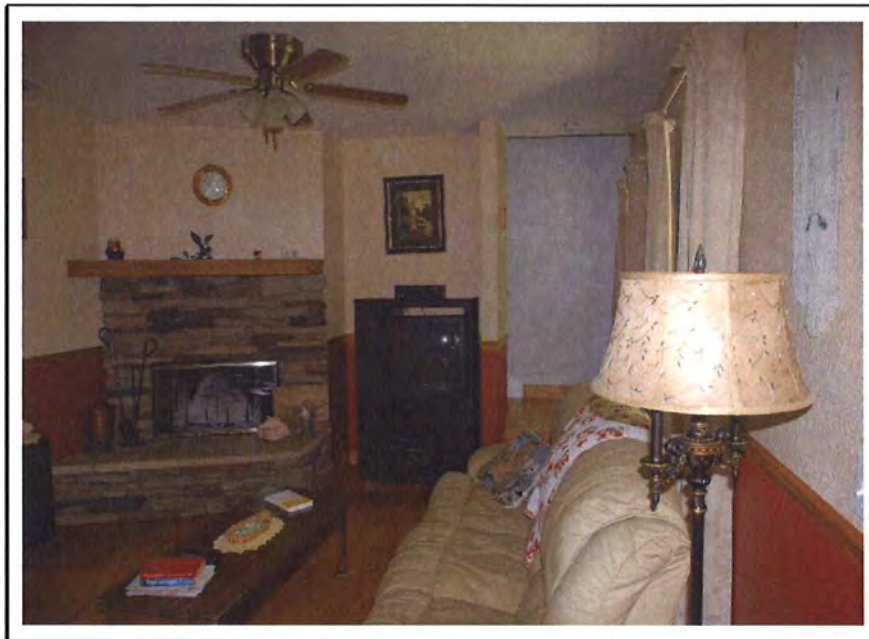


(10) View of the barn/stables.
Photograph taken by Thomas A. Riddle, MAI on July 30, 2014

PHOTOGRAPHS



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

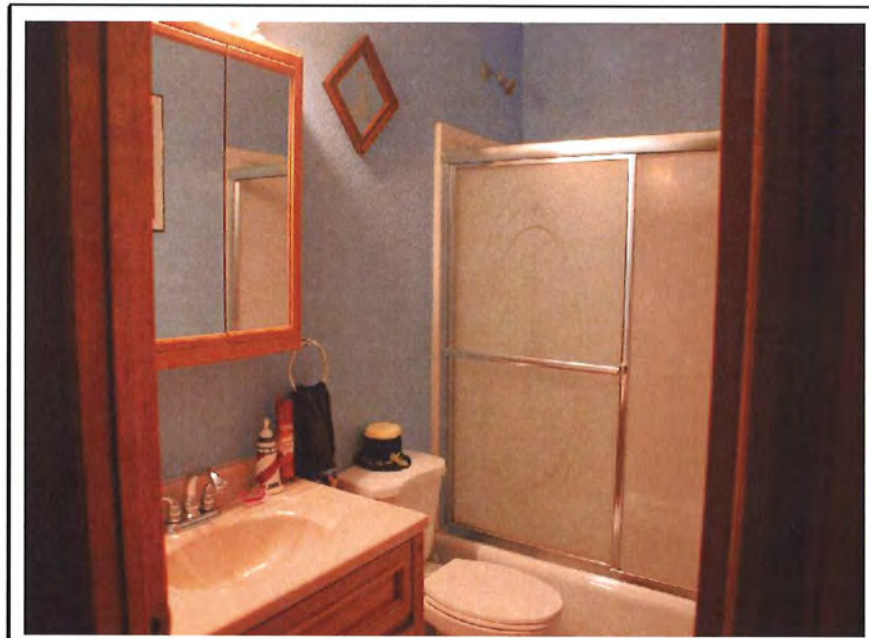


(12) Interior view of subject residence.
Photograph taken by Thomas A. Riddle, MAI on July 30, 2014

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

Tab E




MEMORANDUM

TO: Central Florida Expressway Authority CLIENT-MATTER NO.: 19125.0173
Right-of-Way Committee Members

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

DATE: September 14, 2016

RE: State Road 453 Wekiva Parkway, Project 429-206; Parcel 319
Proposed Offer of Judgment

A handwritten signature in blue ink, appearing to be "David A. Shontz", is written over the "FROM:" line and extends into the "DATE:" and "RE:" lines.

Shutts & Bowen LLP, Right-of-Way Counsel, seeks the recommendation of the Right-of-Way Committee for an Offer of Judgment in full settlement of Parcel 319 owned by Judy Yeomans for State Road 453 Wekiva Parkway, Project 429-206.

DESCRIPTION AND BACKGROUND

Parcel 319 is a fee simple partial taking consisting of 2.396 acres. The parent tract was 6.037 acres and the remainder is 3.641 ac. The property is located at 22405 Coronado Somerset in Sorrento, Florida. The subject property is improved with a 1,344 s.f. manufactured home

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 future employment center. 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 \$59,900 for the land value.

Mr. MacMillan used four (4) improved sales to determine an interim value of the improvements, with prices ranging from \$22,917 to \$28,713 s.f. In the after condition, the residence is within 63' 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 35% 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 319 is \$129,300 (\$59,900 land, \$11,000 improvements, \$58,400 damages).

Mrs. Yeomans is 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 319 in the amount of \$173,000, 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 a recommendation for approval of an Offer of Judgment in the amount of \$173,000, plus statutory attorney's fees and experts costs, which is in the CFX's best interest.

RECOMMENDATION

We respectfully request that the Right-of-Way Committee recommend to the CFX Board the approval of the Offer of Judgment in the amount of \$173,000, plus statutory attorney's fees and experts costs in full settlement of all claims for compensation in the acquisition of Parcel 319.

ATTACHMENTS

Exhibit "A" – Sketch of the Subject Property

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

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

PARCEL 319

**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 and the Southwest 1/4 of Section 26, 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 a point on the centerline of a 60.0 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, said point also being the Southeast corner of the Northeast 1/4 of said Northeast 1/4; thence departing said East line, run South 71°23'35" West along said centerline, a distance of 346.30 feet to the Southeast corner of lands described in Official Records Book 1137, Page 914 of said Public Records; thence departing said centerline, run North 00°42'27" East along the East line of said lands, a distance of 300.93 feet to the POINT OF BEGINNING; thence departing said East line, run North 50°13'22" West, a distance of 417.46 feet to a point on the West line of said lands; thence run North 00°42'27" East along said West line, a distance of 121.69 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 departing said West line, run North 67°42'49" East along said Southerly right of way line, a distance of 352.08 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 522.34 feet to the POINT OF BEGINNING.

Containing 2.396 acres, 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.

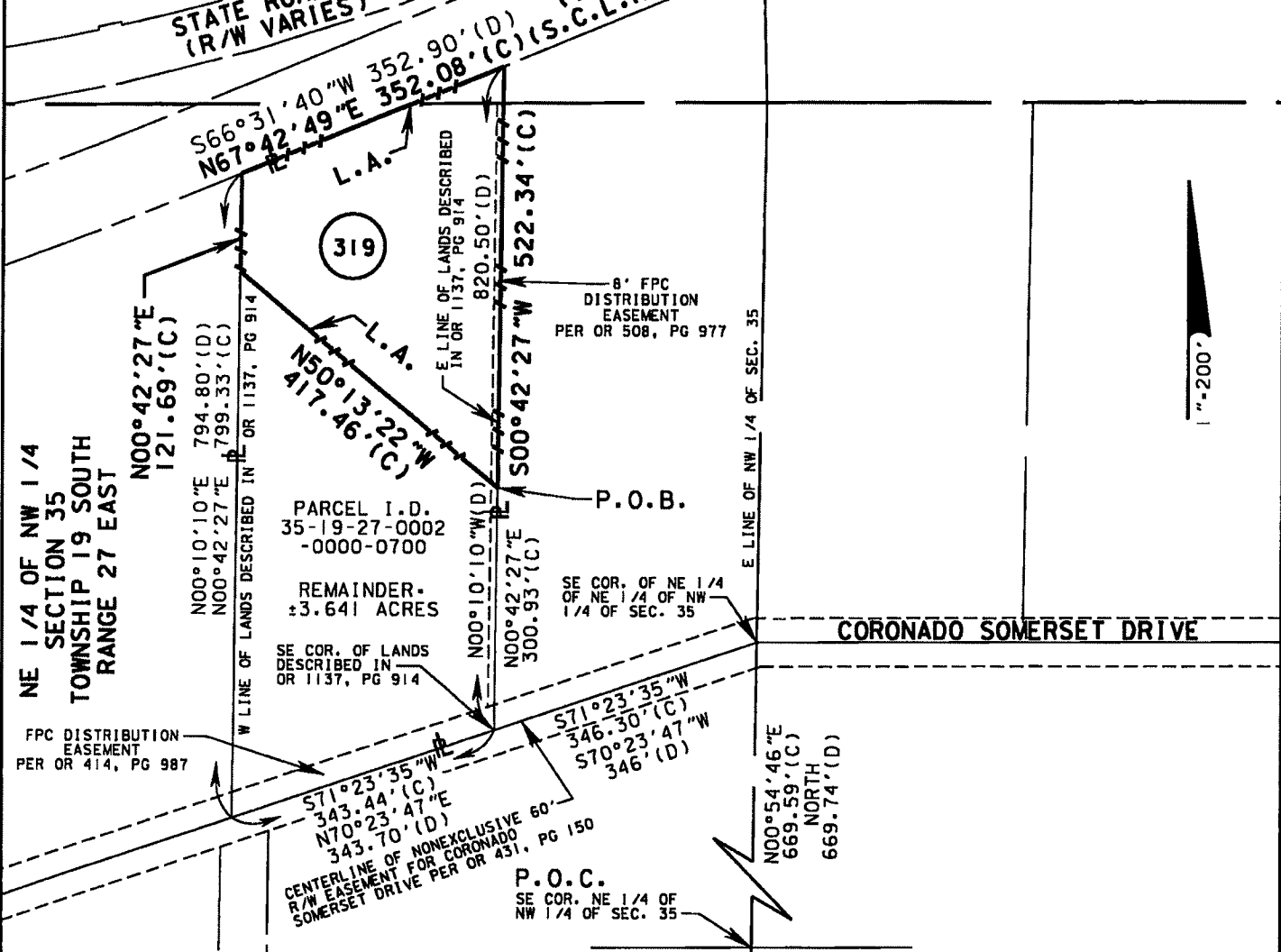
PARCEL: 319
 SECTIONS 26 & 35
 TOWNSHIP 19 SOUTH
 RANGE 27 EAST

SW 1/4
 SECTION 26
 TOWNSHIP 19 SOUTH
 RANGE 27 EAST

STATE ROAD 46
 (R/W VARIES)

A.C.L.R.R.
 (100' R/W)
 (S.C.L.R.R.)(D)

SOUTHERLY R/W LINE PER
 R/W AND TRACK MAP V. 38 FLA 5



NE 1/4 OF NW 1/4
 SECTION 35
 TOWNSHIP 19 SOUTH
 RANGE 27 EAST

PARCEL I.D.
 35-19-27-0002
 -0000-0700

REMAINDER.
 ±3.641 ACRES

FPC DISTRIBUTION
 EASEMENT
 PER OR 414, PG 987

CENTERLINE OF NONEXCLUSIVE 60'
 R/W EASEMENT FOR CORONADO
 SOMERSET DRIVE PER OR 431, PG 150

SEE SHEET 3 OF 3
 FOR LEGEND & 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: 08/14/14	
ADD REMAINDER		CWW	11/14	SCALE: 1" = 200'	
PER COMMENTS		CWW	9/14	CHECKED: ALO	
REVISION	BY	DATE	REVISION	BY	DATE
				DRMP	BJP

SKETCH PREPARED BY



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

PARCEL: 319

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 NORTH 00°54'46" EAST, 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. 4876568, 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 FOR 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. QUICKEL FLORIDA REGISTERED LAND SURVEYOR NO. 6481 (NOT VALID UNLESS SIGNED AND SEALED)	DRMP PROJECT NO. 12-0150.000	SHEET 3 OF 3	DATE: 08/14/14
	ADD REMAINDER CWW 11/14		SCALE: 1" = 200'
	PER COMMENTS CWW 9/14		CHECKED: ALO
	REVISION BY DATE		DRAWN: BJP
			SKETCH PREPARED BY  DRMP ENGINEERS • SURVEYORS • PLANNERS • SCIENTISTS 941 LAKE BALDWIN LANE ORLANDO, FLORIDA 32814 (407) 896-0594 L.B. No. 2648

PHOTOGRAPHS



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



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

PHOTOGRAPHS



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



(4) Northerly (front) view of the subject residence.
Photograph taken by Richard K. MacMillan, MAI on August 27, 2015

PHOTOGRAPHS



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



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

PHOTOGRAPHS



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



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

PHOTOGRAPHS



(9) Northerly view of Acquisition 319 east of the residence.
Photograph taken by Thomas A. Riddle, MAI on July 30, 2014



(10) Northwesterly view of Acquisition 319.
Photograph taken by Thomas A. Riddle, MAI on July 30, 2014

PHOTOGRAPHS



(11) Southerly view of remainder from east of the residence facing Coronado Somerset Drive.
Photograph taken by Thomas A. Riddle, MAI on July 30, 2014



(12) Southerly view of remainder from in front of the residence
facing Coronado Somerset Drive.
Photograph taken by Thomas A. Riddle, MAI on July 30, 2014

PHOTOGRAPHS




(13) View of the railroad track abutting
the north boundary of the parent tract.
Photograph taken by Thomas A. Riddle, MAI on July 30, 2014

Tab F



MEMORANDUM

TO: Central Florida Expressway Authority CLIENT-MATTER NO.: 19125.0085
Right-of-Way Committee Members

FROM: Suzanne M. Driscoll, Esq., Right-of-Way Counsel 

DATE: September 16, 2016

RE: State Road 429 Wekiva Parkway, Project 429-203; Parcel 168
Proposed Offer of Judgment

Shutts & Bowen LLP, Right-of-Way Counsel, seeks the recommendation of the Right-of-Way Committee for an Offer of Judgment in full settlement of Parcel 168 owned by Phillip M. Simmons for State Road 429 Wekiva Parkway, Project 429-203.

DESCRIPTION AND BACKGROUND

Parcel 168 is a fee simple partial taking consisting of .228 acres. The parent tract was 9.737 acres in size and the remainder property is 9.509 acres. The property is located at 3145 Phils Lane in Apopka, Orange County, Florida. The subject property is improved with two (2) manufactured homes. The first is 1,728 s.f. containing 3 bedrooms and 2 bathrooms constructed in 1993. The second 672 s.f. manufactured home containing 2 bedrooms and 1 bathroom was constructed in 1968. Other improvements include a detached aluminum 2 car carport, two (2) metal sheds, a wood frame shop building and a wood 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 \$22,874 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 \$6,900 for the land taken.

Mr. Hall used three (3) improved sales to determine the value of the first manufactured home which is larger and of newer construction with prices ranging from \$57.66 to \$67.95 s.f. In the after condition, the residence is within 470 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 30% to this manufactured

home 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 smaller and older manufactured home with prices ranging from \$35.96 to \$40.15 s.f. In the after condition, the manufactured home is within 55 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 50% to this manufactured home. Furthermore, Mr. Hall concluded severance damages of 50% to the remaining land as a result of the proximity of the roadway and the change in character of the neighborhood. Accordingly, Mr. Hall's total valuation for Parcel 168 is \$197,800 (\$6,900 land; \$34,800 damages to manufactured home #1; \$13,500 damages to manufactured home #2 and \$142,600 damages to the land).

Phillip M. Simmons is 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. While this case is currently set on the Court's July 2017 trial docket, due to Mr. Callan's health issues, it may ultimately be removed as Mr. Callan has already requested that the pretrial deadlines be extended. Accordingly, in an effort to move this case forward and to provide the property owner 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 168 in the amount of \$275,000, 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 manufactured homes and remaining land value.

For the above-cited reasons, Right-of-Way counsel requests a recommendation for approval of an Offer of Judgment in the amount of \$275,000, plus statutory attorney's fees and experts costs, which is in the CFX's best interest.

RECOMMENDATION

We respectfully request that the Right-of-Way Committee recommend to the CFX Board the approval of the Offer of Judgment in the amount of \$275,000, plus statutory attorney's fees and experts costs in full settlement of all claims for compensation in the acquisition of Parcel 179.

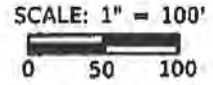
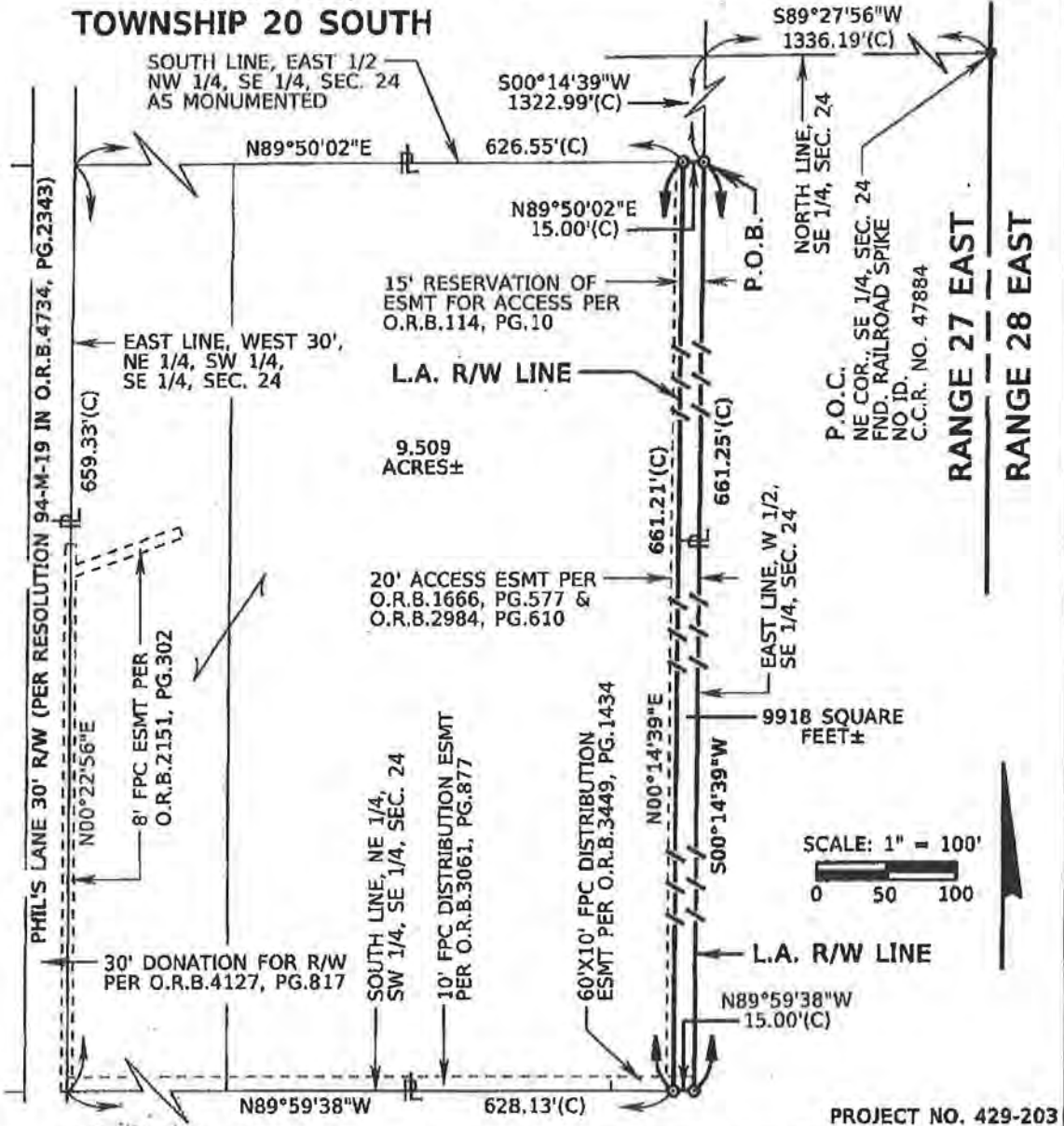
ATTACHMENTS

- Exhibit "A" – Sketch of the Subject Property
- Exhibit "B" – Photographs of the Subject Property and Area

EXHIBIT “A”

BEARING STRUCTURE BASED ON THE NORTH LINE OF THE SOUTHEAST 1/4 OF SEC. 24-20-27, BEING S89°27'56"W, FLORIDA STATE PLANE COORDINATE SYSTEM, EAST ZONE, 1983/2007 ADJUSTMENT.

**SECTION 24,
TOWNSHIP 20 SOUTH**



PROJECT NO. 429-203

I HEREBY CERTIFY THAT THIS SKETCH OF DESCRIPTION IS IN ACCORDANCE WITH THE "MINIMUM TECHNICAL STANDARDS" AS REQUIRED BY CHAPTER 5117, FLORIDA ADMINISTRATIVE CODE PURSUANT TO SECTION 422.022, FLORIDA STATUTES.

William E. Dwyer, III 12/26/13
 WILLIAM E. DWYER, III DATE
 LICENSE NUMBER 5042

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

CERTIFICATION OF AUTHORIZATION NO. 19 1231

BOWER SURVEYING
 530 SOUTH MAGNOLIA AVENUE
 ORLANDO, FLORIDA 32801
 (407) 843-5120
 FAX 407-849-8664

SKETCH OF DESCRIPTION.
 THIS IS NOT A BOUNDARY SURVEY.

S.R. 429 (WEKIVA PARKWAY)
 ORLANDO-ORANGE COUNTY
 EXPRESSWAY AUTHORITY
 ORANGE COUNTY, FLORIDA

PARCEL 168
SCALE: 1"=100'
SHEET 2 OF 2

**SKETCH OF DESCRIPTION
PARCEL 168**

EXHIBIT “B”

**PHOTOGRAPHS OF SUBJECT
PARCEL 168**



1. LOOKING NORTH AT THE FRONTAGE ALONG PHILS LANE



2. LOOKING EAST AT HOUSE 1

**PHOTOGRAPHS OF SUBJECT
PARCEL 168**



3. LOOKING EAST AT HOUSE 2



4. LOOKING NORTHEAST AT THE BARN/SHED AND THE VINYL SIDING SHED

**PHOTOGRAPHS OF SUBJECT
PARCEL 168**



5. LOOKING EAST AT THE DETACHED CARPORT



6. LOOKING SOUTHEAST AT THE METAL SHED AND DOG PENS




Tab G



MEMORANDUM

TO: Central Florida Expressway Authority CLIENT-MATTER NO.: 19125.0093
Right-of-Way Committee Members

FROM: Suzanne M. Driscoll, Esq., Right-of-Way Counsel 

DATE: September 15, 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 recommendation of the Right-of-Way Committee 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 \$252,000, 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 a recommendation for approval of an Offer of Judgment in the amount of \$252,000, plus statutory attorney's fees and experts costs, which is in the CFX's best interest.

RECOMMENDATION

We respectfully request that the Right-of-Way Committee recommend to the CFX Board the approval of the Offer of Judgment in the amount of \$252,000, plus statutory attorney's fees and experts costs in full settlement of all claims for compensation in the acquisition of Parcel 179.

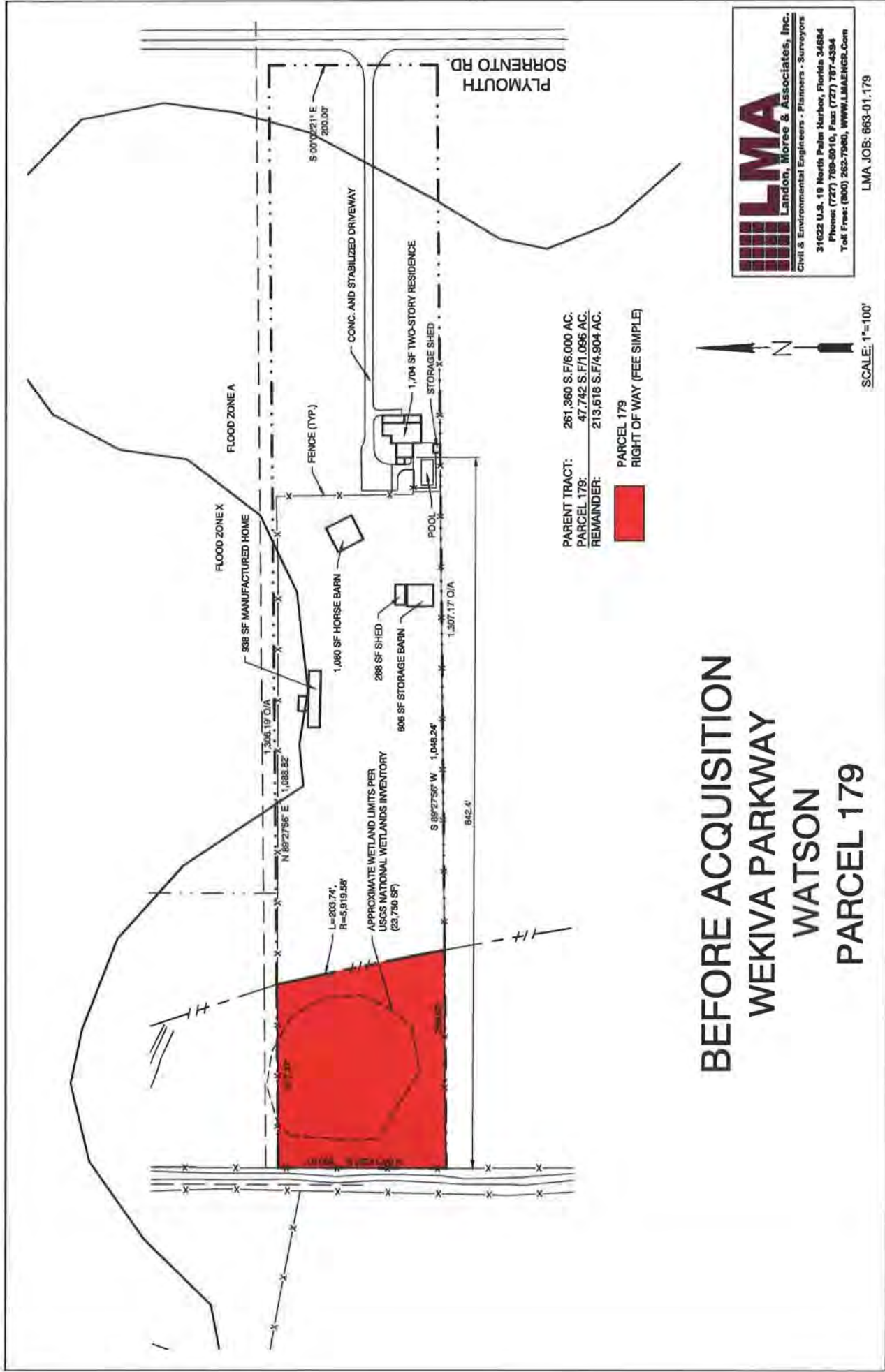
ATTACHMENTS

Exhibit "A" – Sketch of the Subject Property

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

ORLDOCS 14930742 1

EXHIBIT “A”



PARENT TRACT: 261,360 S.F./6.000 AC.
 PARCEL 179: 47,742 S.F./1.096 AC.
 REMAINDER: 213,618 S.F./4.904 AC.



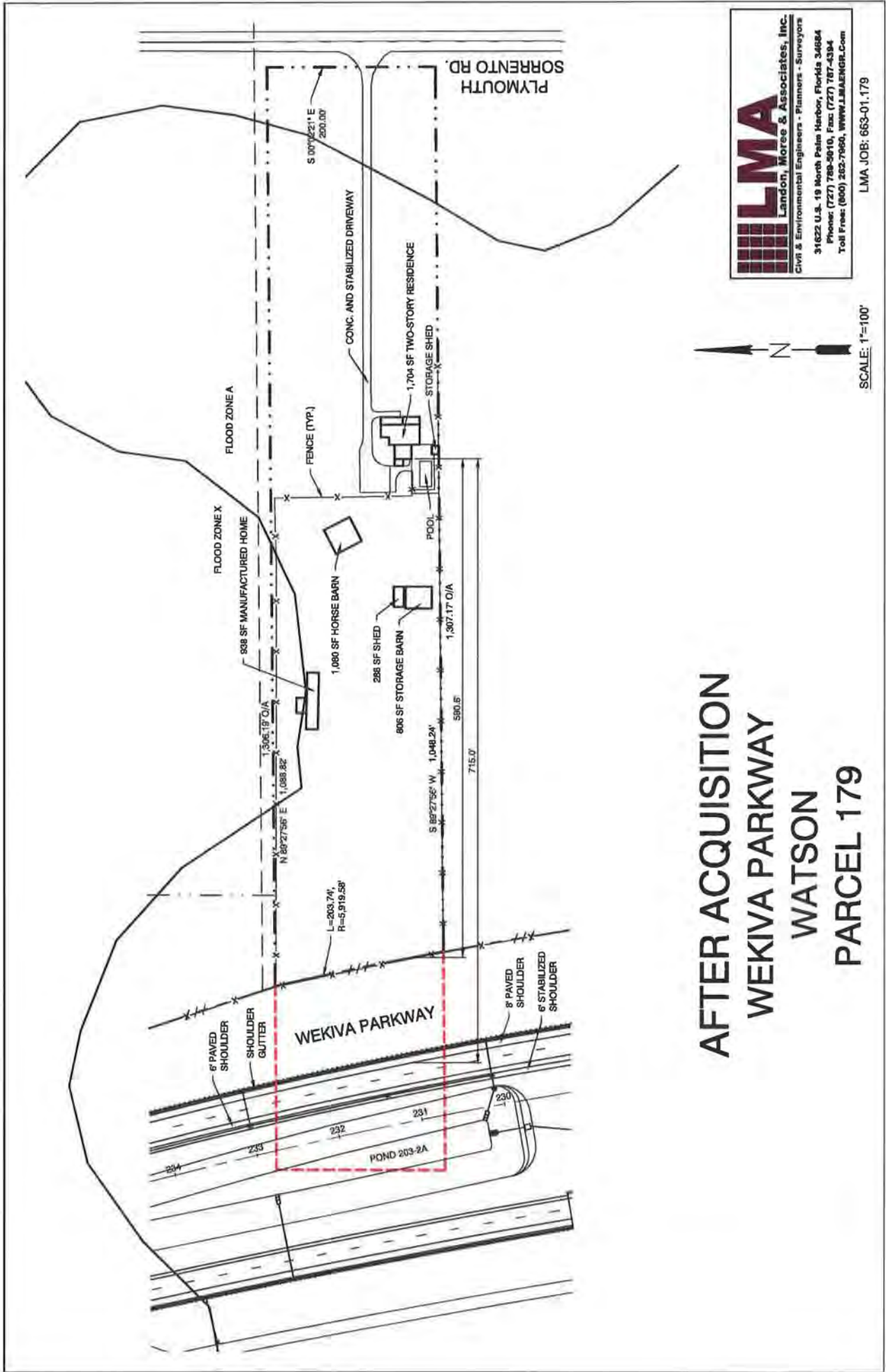
PARCEL 179
 RIGHT OF WAY (FEE SIMPLE)

BEFORE ACQUISITION WEKIVA PARKWAY WATSON PARCEL 179

LMA
 Landon, Morse & Associates, Inc.
 Civil & Environmental Engineers - Planners - Surveyors
 31622 U.S. 19 North Palm Harbor, Florida 34684
 Phone: (727) 789-5010, Fax: (727) 787-4354
 Toll Free: (800) 262-7980, WWW.LMAENGR.COM

LMA JOB: 663-01.179

SCALE: 1"=100'



**AFTER ACQUISITION
WEKIVA PARKWAY
WATSON
PARCEL 179**

LMA
Landon, Moree & Associates, Inc.
Civil & Environmental Engineers - Planners - Surveyors
31622 U.S. 19 North Palms Harbor, Florida 34684
Phone: (727) 789-3010, Fax: (727) 787-4384
Toll Free: (800) 252-7950, WWW.LMAENGINEERS.COM

LMA JOB: 663-01.179

SCALE: 1"=100'

EXHIBIT “B”

**PHOTOGRAPHS OF SUBJECT
PARCEL 179**



3. LOOKING SOUTHEAST AT THE SINGLE FAMILY RESIDENCE



4. LOOKING SOUTHWEST AT THE RESIDENCE

**PHOTOGRAPHS OF SUBJECT
PARCEL 179**



5. LOOKING WEST AT THE POOL



6. LOOKING SOUTHWEST AT THE SHED AND POLE BARN

**PHOTOGRAPHS OF SUBJECT
PARCEL 179**



7. LOOKING NORTH AT THE STABLE




8. LOOKING NORTHWEST AT THE MANUFACTURED HOME

Tab H



MEMORANDUM

TO: Central Florida Expressway Authority CLIENT-MATTER NO.: 19125.0145
Right-of-Way Committee Members

FROM: Suzanne M. Driscoll, Esq., Right-of-Way Counsel 

DATE: September 15, 2016

RE: State Road 429 Wekiva Parkway, Project 429-204; Parcel 242
Proposed Offer of Judgment

Shutts & Bowen LLP, Right-of-Way Counsel, seeks the recommendation of the Right-of-Way Committee for an Offer of Judgment in full settlement of Parcel 242 owned by Larry M. Everly, Sr. and Connie F. Everly, Trustees for State Road 429 Wekiva Parkway, Project 429-204.

DESCRIPTION AND BACKGROUND

Parcel 242 is a fee simple partial taking consisting of 4.170 acres. The parent tract was 27.586 acres in size and the remainder property is 23.416 acres. The property is located at 3100 Ondich Road in Apopka, Orange County, Florida. The subject property is improved with a 1,380 s.f. manufactured home containing 3 bedrooms and 3 bathrooms built in the late 1990s. There are 2 additional buildings consisting of a metal warehouse and modular office building. Other improvements include fencing, an electric gate and irrigation system. The property is zoned A-1, citrus rural district by Orange County.

The CFX's appraisal of the property was prepared by Chad Durrance of Durrance and Associates. Mr. Durrance opined the highest and best use of the property is for continued residential use. Mr. Durrance used six (6) comparable land sales with prices ranging from \$24,200 per acre to \$29,300 per acre to arrive at an estimate of the land value of the Subject Property of \$27,500 per acre and a value of \$114,700 for the land taken. Additionally, he estimated the contributory value of the electric gate and miscellaneous fencing improvements on the parcel at \$30,700.

Mr. Durrance used five (5) improved sales to determine the value of the manufactured home and its associated improvements with prices ranging from \$17 to \$32 s.f. In the after condition, the manufactured home is within 213 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. Durrance concluded severance damages in the amount of \$200,000 to the manufactured home and surrounding land as a result of the proximity of the roadway and the change in character of the neighborhood. Additionally, with the assistance of an engineer, Mr. Durrance concluded that the net cost to reestablish the driveway connection and electronic gate and fencing is \$78,500. Accordingly, Mr. Durrance's total valuation for Parcel 242 is \$423,900 (\$114,700 land; \$30,700 improvements; \$200,000 damages; and \$78,500 cure).

Larry M. Everly, Sr. and Connie F. Everly, Trustees 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. While this case is currently set on the Court's May 2017 trial docket, due to Mr. Callan's health issues, it may ultimately be removed as Mr. Callan has already requested that the pretrial deadlines be extended. Accordingly, in an effort to move this case forward and 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 242 in the amount of \$597,840, plus statutory attorney's fees and experts costs. The Offer of Judgment reflects an increase in the land value and severance damages, and additional monies for the improvements and cure costs.

For the above-cited reasons, Right-of-Way counsel requests a recommendation for approval of an Offer of Judgment in the amount of \$597,840, plus statutory attorney's fees and experts costs, which is in the CFX's best interest.

RECOMMENDATION

We respectfully request that the Right-of-Way Committee recommend to the CFX Board the approval of the Offer of Judgment in the amount of \$597,840, plus statutory attorney's fees and experts costs in full settlement of all claims for compensation in the acquisition of Parcel 179.

ATTACHMENTS

Exhibit "A" – Sketch of the Subject Property

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

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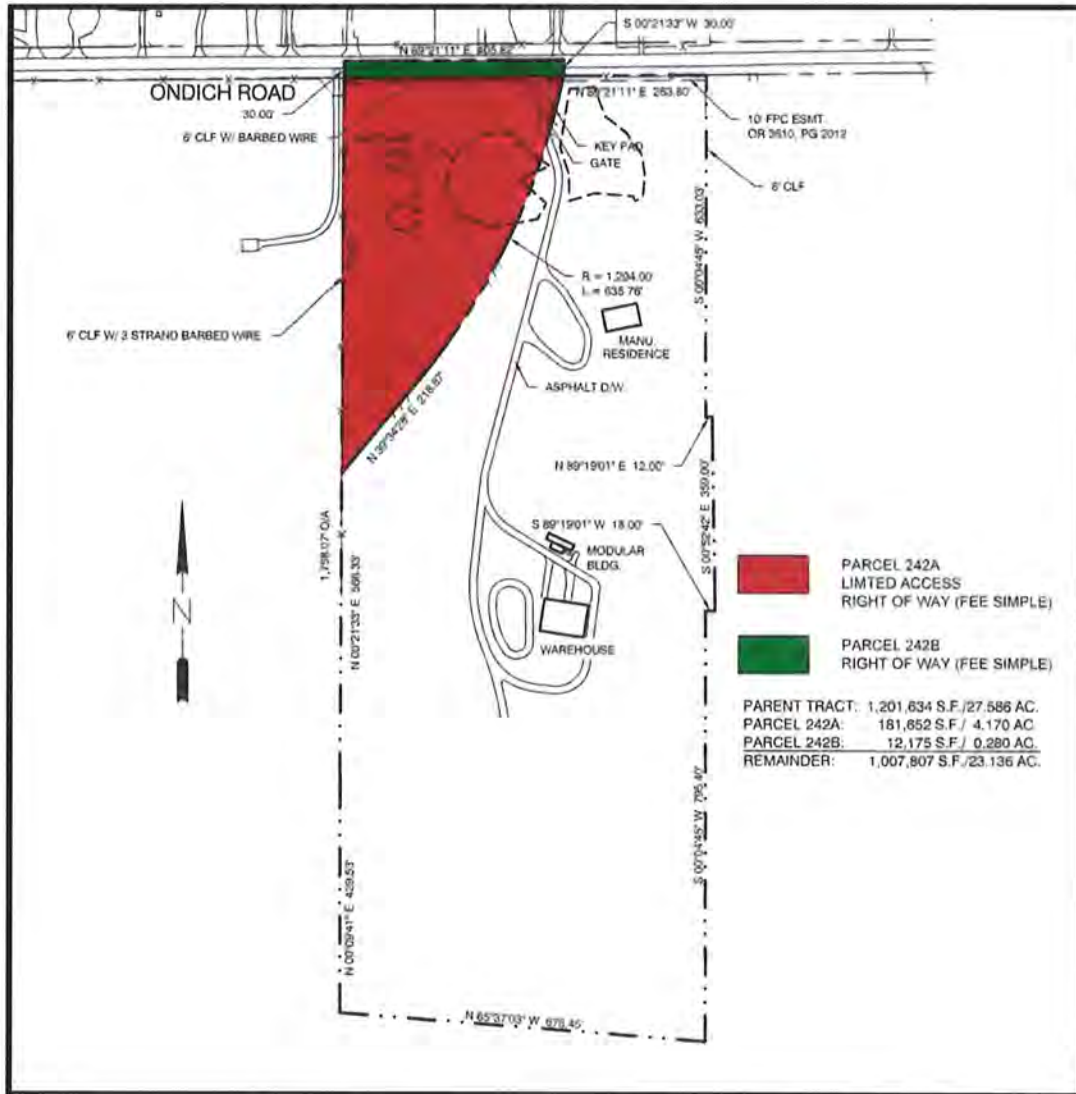
EXHIBIT “A”

meter/breaker boxes, mechanical roll gate, and electronic keypad. The contributory value of the improvements taken was outlined previously in the Before value and is summarized below.

Total Improvements Taken \$30,700 (R)

Deducting the value of the part taken (land and improvements) from the Before Value results in a Remainder Value "As Part of the Whole", as summarized below.

Before Value	\$834,700
Part Taken (\$114,700+ \$30,700)	145,400
Remainder Value "As Part of the Whole"	\$689,300



After the taking, the remainder will contain 23.416 acres of land, which is a reduction of about 15% compared to the Before size of 27.586 acres. The remainder has an irregular configuration and the same building improvements as existed prior to the taking, however the driveway access has been severed.

EXHIBIT “B”



View of manufactured residence and screened porch (Photo #3)



Southern view of rolling mechanical gate, asphalt drive and electronic keypad (Photo #4)



AERIAL MAP OF SUBJECT

Tab I

CENTRAL FLORIDA EXPRESSWAY AUTHORITY

MEMORANDUM

TO: Central Florida Expressway Authority Right of Way Committee

FROM: Linda S. Brehmer Lanosa, Deputy General Counsel *Linda S. Lanosa*
Sidney Calloway, Esq., Shutts & Bowen *SC*

DATE: September 6, 2016

RE: *Central Florida Expressway Authority v. Kenneth A. Grimm and January D. Grimm, et al.*, Case No. 2014-CA-003592, Parcel 173
Location: 3302 and 3316 Plymouth Sorrento Road, north of West Ponkan Road
Size of Parent: 9.032 acres; Size of Taking: 2.598 acres; Remainder: 6.434 acres

DESCRIPTION OF PROPERTY AND TAKING

The 9.032-acre parent tract is located on the west side of Plymouth Sorrento Road, north of West Ponkan Road in unincorporated Orange County, Florida. Of the 9.032 acres, there are only 1.767 net developable acres. The parent tract consists of three tax parcels and is improved with a single family residence, a mobile home, shade houses, greenhouses, associated agricultural improvements, perimeter fencing and gates, and wells and septic systems. The parent tract has over 1000 camellias, trees, hedges, and other plants.

The taking consists of 2.598 gross acres or 0.447 net acres along the western border of the property.

CFX'S APPRAISAL REPORT

Walter Carpenter, Jr., MAI, CRE, appraised the property for CFX. He concluded that the highest and best use of the property was as an agricultural site with supporting residential. Applying the sales comparison approach, Mr. Carpenter estimated the value at \$15,000 per acre with sales ranging from roughly \$12,000 to \$24,000 per acre, or \$39,100 for the land taken.

The improvements within the area of the taking included an 18,848-square-foot shade house, 382 linear feet of a 4-foot field fence, 300 linear feet of a 5-foot chain link fence, irrigation, camellias, hedge rows, and 47,210 square feet of lot ground cover. The value of the improvements totaled \$121,000, consisting of the sum of \$101,006 for the depreciable improvements subject to 75% depreciation with a value of \$25,252 plus \$91,730 for the non-depreciable improvements, such as the plants. Mr. Carpenter concluded that the remainder would have the same highest and best use and that the underlying land value was still applicable.

Mr. Carpenter estimated full compensation at \$165,000.

OWNERS' APPRAISAL REPORT

The owners retained Richard Parham, a state-certified general real estate appraiser, to value the property. He concluded that the highest and property use of the property would be for residential use. He relied upon comparable sales ranging in price from \$28,253 to \$72,464 per acre, with a value of \$40,000 per acre, or \$104,000 for the land taken.

Mr. Parham valued the improvements at \$314,300, approximately three times higher than Mr. Carpenter. Mr. Parham placed a much higher value on the camellias and hedge rows. Mr. Grimm worked on the property and the camellias for over 35 years with his mentor and father figure, who was renowned for his camellias. There were over 600 varieties of camellias on the property. Over 240 camellias were destroyed by the taking, some of which were unique and irreplaceable.

Mr. Parham estimated full compensation at \$551,900.

SETTLEMENT DISCUSSIONS

A comparison of the two appraisals reports is below.

	Carpenter	Parham
Land (2.598 acres)	\$ 39,100	\$104,000
Per Acre Value	\$ 15,000	\$ 40,000
Improvements	\$121,000	\$314,000
Severance Damages and Cost to Cure	\$ 5,000	\$133,600
Total for Owners	\$165,000	\$551,900

The above table highlights several key differences. First, the expert opinions as to land value and severance damages were significantly different. The owners noted that the property to the north, Parcel 174, was valued at \$30,000 per acre with 30% severance damages. This appraisal report was prepared by a different appraiser of a different piece of property, with a different typography and size. Second, there is a difference in opinion as to the value of the improvements. The owners claimed that the improvements were worth three times more due to the higher value placed on the camellias and other improvements. Third, as a side issue, although the owners did not submit a business damage claim, they did complain that the thousand clippings they took from the plants that were taken were ruined because the water was cutoff during the construction process.

Regarding expert fees, counsel for the owners submitted invoices from six experts totaling \$70,151.60, copies of which are attached. The invoices consist of the following:

Owners' Experts	Invoice
Richard H. Parham, State-Certified General Real Estate Appraiser Calhoun, Collister & Parham	\$22,367.00
Stan DeFreitas, Green Thumb, Horticulturist	\$10,362.50
MEI Civil (Dan Morris)	\$15,487.50
Rahenkamp Design Group, Inc. (Planner)	\$5,115.85
Roberts & Associates (General Contractor)	\$11,312.50
Subtotal	\$64,645.35
Lloyd Morgenstein, CPA	\$5,506.25
Total	\$70,151.60

Since the owners did not have a business damage claim, the invoice from the business damage expert, Lloyd Morgenstein, CPA, was rejected.

In comparison, CFX spent a comparable amount for its appraisal report and planner's report, but much less on the horticulturist, engineer, and general contractor, as shown in the table below.

CFX's Experts	Invoice
Pinel & Carpenter	\$23,918.33
City Beautiful Horticultural Services	\$5,595.22
Fred B. LaDue & Associates	\$3,815.25
Donald W. McIntosh Associates, Inc.	\$8,505.00
Ellen S. Hardgrove (Planner)	\$4,930.25
Speer Construction	\$4,895.00
Total	\$51,659.05

The parties mediated on August 26, 2016. To resolve this case, the parties reached a proposed compromise consisting of an all-inclusive settlement of \$429,400. The settlement amount consists of \$325,000 for the owners, \$51,600 for expert fees, and \$52,800 for statutory attorney's fees. The owners agreed to reduce their expert fees by \$17,351.60 or nearly 25%. The proposed settlement compared to each party's position is summarized in the table below.

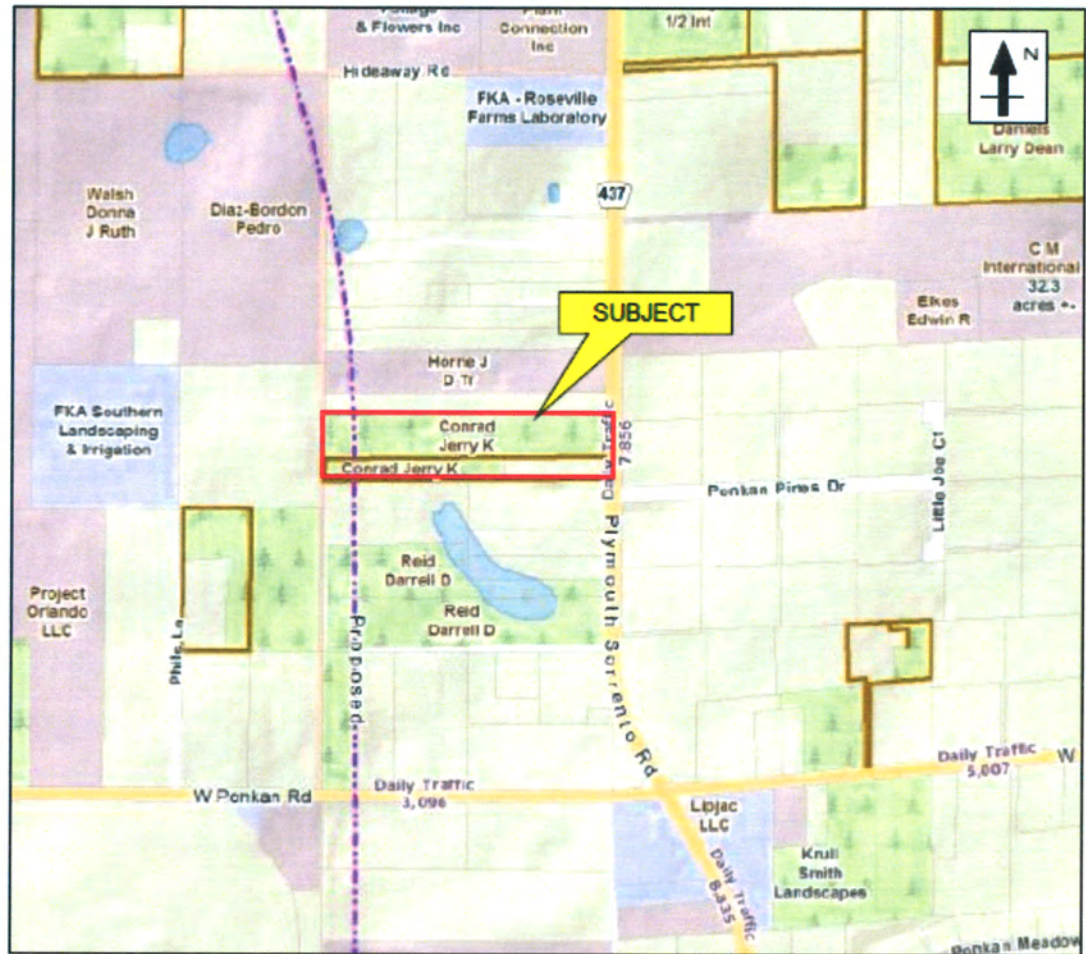
	Carpenter	Parham	Proposed Settlement
Total for Owners	\$165,000.00	\$551,900.00	\$325,000
Expert Fees	\$ 51,659.05	\$ 70,151.60	\$ 52,800
Statutory Attorney's Fees	N/A	\$116,725.00	\$ 51,600
		\$738,776.60	\$429,400

This proposed settlement should neither be construed nor interpreted to be CFX's position at trial or in any other case, nor should the proposed settlement be construed or interpreted to be an agreement with the owners' factual, legal or expert positions.

REQUESTED ACTION

We respectfully request that the Right of Way Committee recommend to the CFX Board approval of the proposed Mediation Settlement Agreement in the amount of \$429,400, resolving all claims for compensation for the taking of Parcel 173, including severance damages, business damages, tort damages, interest, attorney's fees, attorney's costs, expert fees, expert costs, and any other claim, subject to apportionment, if any.

Attachments: Aerials and Photographs
Mediated Settlement Agreement
Invoices from Counsel for the Owners



Approximate Representation
Source: Orange County Property Appraiser



Approximate Representation
Source: Orange County Property Appraiser

IN THE CIRCUIT COURT OF THE NINTH JUDICIAL CIRCUIT
IN AND FOR ORANGE COUNTY, FLORIDA

CENTRAL FLORIDA EXPRESSWAY AUTHORITY,
body politic and corporate, and an agency of the state
under the laws of the State of Florida,

CASE NO: 2014-CA-003592-0

Subdivision 39

Petitioner,

Parcel 173

vs.

KENNETH A. GRIMM and,
JANUARY D. GRIMM, et. al.

Respondent(s).

MEDIATED SETTLEMENT AGREEMENT

At the Mediation Conference held on AUGUST 26, 2016, the parties reached the following Settlement Agreement:

1. Petitioner will pay to Respondent(s), KENNETH A. GRIMM and JANUARY D. GRIMM (referred to as "Respondent") the sum of THREE HUNDRED TWENTY FIVE THOUSAND and NO/100 DOLLARS (\$ 325,000.00) Dollars exactly (\$ 325,000.00), in full settlement of all claims for compensation from Petitioner whatsoever for the taking of Parcel 173, including statutory interest and all claims related to real estate and business damages, if any, but excluding attorney's fees and expert witness costs. The settlement sum may be subject to claims of apportionment by any party in this case having a property interest in or a lien on the subject property. Petitioner previously deposited in the Registry of the Court Petitioner's good faith estimate in the amount of ONE HUNDRED SIXTY-FIVE THOUSAND Dollars (\$ 165,000.00). Within thirty days (30) days from the date of receipt by Petitioner's counsel of a conformed copy of the Stipulated Final Judgment, Petitioner will pay to Respondent, by deposit in the Registry of the Court the sum of ONE HUNDRED SIXTY THOUSAND and NO/100 DOLLARS Dollars exactly (\$ 160,000.00), representing the difference between the total settlement sum referenced above and the Petitioner's previous deposit in this case.

2. In addition to the settlement amount referenced in Paragraph 1 of this Settlement Agreement, Petitioner will pay to the trust account of Respondent's attorney the sum of FIFTY FIVE TWO THOUSAND EIGHT HUNDRED and NO/100 Dollars (\$ 52,800.00) in full settlement and satisfaction of all attorney's fees, including all fees related to monetary benefits, non-monetary benefits, and all law firm litigation costs in this case, but excluding supplemental proceedings related to apportionment, if any.

3. In addition to the above-referenced settlement sum and the above-referenced attorney's fees and law firm litigation costs, Petitioner will pay to the trust account of Respondent's attorney the sum of FIFTY ONE THOUSAND SIX HUNDRED AND NO/100 Dollars (\$ 51,600.00) in full settlement and satisfaction of all expert witness fees and costs incurred by Respondent in this case, ~~subject to review and confirmation that each invoice submitted by Respondent's experts was necessary and reasonable. The expert fees are as follows.~~

SEC/UBA
ALL
↑

4. This Settlement Agreement will be placed on the agenda for the Right of Way ("ROW") Committee and Central Florida Expressway Authority ("CFX") Board and is conditioned upon final approval by the ROW Committee and then the CFX Board.

5. Counsel for Petitioner and Respondent will jointly submit to the Court a mutually approved Stipulated Final Judgment containing the terms and conditions of this Settlement Agreement within fifteen (15) days from the date of approval of this Settlement Agreement by the CFX Board.

6. The parties agree to waive any confidentiality provisions set forth in Chapter 44 of Florida Statutes, the Florida Rules of Civil Procedure, and the Florida Rules of Evidence, if applicable, for the limited purpose of consideration of this proposed Settlement Agreement by the ROW Committee and the CFX Board.

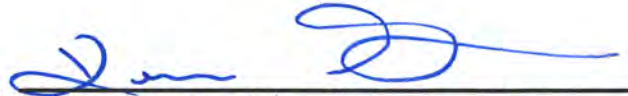
7. The parties agree to continue the trial of this matter pending review by the CFX ROW Committee and CFX Board.

8. This Agreement resolves all claims whatsoever, including claims of compensation arising from the taking of Parcel 173, severance damages, business damages, tort damages, interest, attorney's fees, attorney's costs, expert fees, expert costs, and any other claim.

9. This Settlement Agreement, executed by the parties and their counsel on this 26th day of AUGUST, 2016, contains all the agreements of the parties.



Print Name: LINDA S. BREHMER LANOSA
Central Florida Expressway Authority



Print Name: KENNETH A. GRIMM
Owner



Print Name: SIDNEY CALLOWAY, ESQ.
Counsel for CFX



Print Name: JANUARY D. GRIMM
Owner

Print Name: LARRY WATSON
Mediator



Print Name: EDGAR LOPEZ, ESQ.
Attorney for Owner



Calhoun, Collister & Parham, Inc.

Real Estate Appraisers & Consultants

Jacksonville Office

10151 Deerwood Park Boulevard
Building 200, Suite 250
Jacksonville, Florida 32256-0557
Phone: (904) 764-0200
Toll Free: (800) 280-8140
Fax: (904) 764-4006

Tampa Office

10014 N. Dale Mabry Highway
Suite 201
Tampa, Florida 33618-4426
Phone: (813) 961-8300
Toll Free: (800) 280-8140
Fax: (813) 962-6363

West Palm Beach Office

777 South Flagler Drive
Suite 800 - West Tower
West Palm Beach, Florida 33401
Phone: (561) 909-3176
Toll Free: (800) 280-8140
Fax: (561) 909-3177

Remit to: Tampa Office

August 24, 2016

Gordon H. Harris
Harris Harris Bauerle Ziegler Lopez
1201 E. Robinson Street
Orlando, FL 32801

OWNER: GRIMM, KENNETH A.
PROJECT: WEKIVA PKWY
COUNTY: ORANGE
FILE NO: 4793

INVOICE

<u>NAME</u>	<u>HOURS</u>	<u>HOURLY RATE</u>	<u>SUBTOTAL</u>
PARHAM	54.25	\$225.00	\$12,206
MEYERS	59.75	\$165.00	\$9,858
DAVIDSON	2.25	\$135.00	\$303
TOTAL INVOICE AMOUNT			\$22,367

Sincerely,

Richard H. Parham
Partner

OWNER: GRIMM, KENNETH A.
FILE NO: 4793
PROJECT: WEKIVA PKWY
COUNTY: ORANGE

PARHAM

DATE	DESCRIPTION	HOURS
01/30/14	ANALYSIS OF PRELIMINARY DATA AND LAY OUT SCOPE OF WORK TO BE CONDUCTED.	2.75
02/12/14	ANALYSIS OF PRELIMINARY SALES DATA.	2.00
04/10/14	REVIEW FILE AND PREPARE FOR INSPECTION TOMORROW.	2.00
04/11/14	PREPARE FOR AND CONDUCT PHYSICAL INSPECTION OF SUBJECT PROPERTY. INSPECT LARGE AREA OF TAKING INCLUDING MULTIPLE CAMELLIA PLANTS AND OTHER IMPROVEMENTS. TAKE DETAILED NOTES AND PHOTOGRAPHS. INSPECT MARKET AREA.	4.50
06/02/14	CONDUCT ANALYSIS OF IMPACT OF TAKING ON REMAINDER PROPERTY. ANALYSIS OF POTENTIAL COMPARABLE SALES.	3.50
06/13/14	CONDUCT HIGHEST AND BEST USE ANALYSIS. REVIEW POTENTIAL COMPARABLE SALES AND COMPARE TO SUBJECT PROPERTY.	3.75
03/19/15	PREPARE FOR INSPECTION OF SUBJECT PROPERTY TOMORROW. ANALYSIS OF POTENTIAL IMPACT OF TAKING ON REMAINDER PROPERTY.	3.25
03/20/15	PREPARE FOR AND CONDUCT PHYSICAL INSPECTION OF SUBJECT PROPERTY. INTERVIEW PROPERTY OWNER REGARDING INVENTORY AND FUNCTION OF PROPERTY. DISCUSS VARIOUS VALUATIONS WITH LAND PLANNER AND DISCUSS NEED FOR ENGINEER AND ARBORIST WITH ATTORNEY.	4.25
04/01/15	CONDUCT ANALYSIS OF POTENTIAL COMPARABLE SALES IN THE MARKET AREA. ASSESS IMPACT OF TAKING ON REMAINDER PROPERTY IN THE AREA.	3.25
04/02/15	CONDUCT ANALYSIS OF POTENTIAL IMPACT OF TAKING ON REMAINDER PROPERTY AND HIGHEST AND BES USE ISSUES. WORK ON OBTAINING INFORMATION RELATIVE TO VALUATION OF IMPROVEMENTS IN THE PART TAKEN.	3.25
05/11/15	CONDUCT ANALYSIS OF ADDITIONAL INFORMATION AND PREPARE FOR CONFERENCE CALL.	2.25
05/13/15	PREPARE FOR AND ATTEND CONFERENCE CALL.	1.75
09/03/15	CONDUCT VALUATION ANALYSIS OF SUBJECT PROPERTY. REVIEW APPRAISAL REPORT AND MAKE EDITS.	5.75
09/21/15	CONDUCT VALUATION ANALYSIS ASSESSING IMPACT OF TAKING ON REMAINDER PROPERTY. DISCUSS VARIOUS VALUATION ISSUES WITH ASSOCIATE.	4.50
10/01/15	FINALIZE APPRAISAL.	1.75

OWNER: GRIMM, KENNETH A.
FILE NO: 4793
PROJECT: WEKIVA PKWY
COUNTY: ORANGE

PARHAM

DATE	DESCRIPTION	HOURS
08/22/16	PRELIMINARY REVIEW OF REVIEW. PREPARE FOR DEPOSITION.	2.75
08/23/16	PREPARE FOR AND ATTEND PRE-MEDIATION CONFERENCE CALL.	3.00
	TOTAL HOURS	54.25

OWNER: GRIMM, KENNETH A.
FILE NO: 4793
PROJECT: WEKIVA PKWY
COUNTY: ORANGE

MEYERS

DATE	DESCRIPTION	HOURS
01/30/14	RESEARCHED COMPARABLE LAND SALES IN ORANGE COUNTY.	3.75
02/12/14	CONDUCTED COMPARABLE SALES RESEARCH.	2.00
04/01/14	CONDUCTED SUBJECT RESEARCH. READ THROUGH CONDEMNOR APPRAISAL REPORT.	3.50
02/27/15	ANALYZED HIGHEST AND BEST USE BEFORE AND AFTER TAKING. REVIEWED EXPRESSWAY STUDIES AND ANALYZED IMPACTS TO REMAINDER PROPERTY.	4.75
03/04/15	RESEARCHED COMPARABLE LAND SALES IN ORANGE COUNTY.	2.00
03/17/15	PREPARED COMPARABLE LAND SALE WRITE-UPS. VERIFIED SALE'S ZONING AND FUTURE LAND USE.	3.50
03/20/15	RESEARCHED ZONING AND LAND USE OF SUBJECT PROPERTY. PREPARED NON-VALUATION SECTIONS OF THE APPRAISAL REPORT.	2.50
05/13/15	REVIEWED LAND SALES AND PREPARED FOR AND ATTENDED CONFERENCE CALL WITH CLIENT.	2.75
06/19/15	RESEARCHED SUBJECT MARKET AND DEVELOPMENT TRENDS IN AREA. PREPARED BEFORE AND AFTER SUBJECT EXHIBITS.	3.75
06/25/15	READ THROUGH EXPERTS REPORT. ANALYZED HIGHEST AND BEST USE AND DEPRECIATION OF SUBJECT IMPROVEMENTS.	3.75
06/29/15	RESEARCHED AND ANALYZED COST NEW OF SUBJECT IMPROVEMENTS. PREPARED FOR AND ATTENDED CONFERENCE CALL WITH CLIENT.	2.75
08/25/15	ANALYZED HIGHEST AND BEST REMAINDER PROPERTY. REVIEWED LANDSCAPING COSTS AND CALCULATED CONTRIBUTORY VALUE OF SITE IMPROVEMENTS.	1.50
08/27/15	PREPARED NON-VALUATION SECTIONS OF THE APPRAISAL REPORT. PREPARE SUBJECT EXHIBITS.	5.75
09/02/15	PREPARED NON-VALUATION SECTIONS OF THE APPRAISAL REPORT. RESEARCHED COMPARABLE SALES IN OSCEOLA COUNTY.	4.00
09/16/15	PREPARED FOR AND ATTENDED CONFERENCE CALL WITH CLIENT.	1.75
10/01/15	PREPARE AND FINALIZED APPRAISAL REPORT. SENT CLIENT FINAL APPRAISAL REPORT.	4.00
07/11/16	ASSISTED WITH DEPOSITION PREPARATION.	1.00
08/22/16	RESEARCHED COMPARABLE LAND SALES UTILIZED IN APPRAISAL REPORT. REVIEWED FIRM MAPS AND OTHER EXPERTS REPORTS. READ THROUGH REBUTTAL REPORT.	3.75

OWNER: GRIMM, KENNETH A.
FILE NO: 4793
PROJECT: WEKIVA PKWY
COUNTY: ORANGE

MEYERS

DATE	DESCRIPTION	HOURS
08/23/16	PREPARED FOR AND ATTENDED CONFERENCE CALL WITH CLIENT TO DISCUSS CASE MATTERS. ASSISTED WITH MEDIATION PREPARATION AND SENT CLIENT PERTINENT INFORMATION.	3.00
	TOTAL HOURS	59.75

OWNER: GRIMM, KENNETH A.
FILE NO: 4793
PROJECT: WEKIVA PKWY
COUNTY: ORANGE

DAVIDSON

DATE	DESCRIPTION	HOURS
01/23/14	CONDUCTED NE PERIMETER RD PROJECT RESEARCH AND MARKET AREA RESEARCH.	0.50
01/28/14	CONDUCTED SUBJECT PROPERTY AND TAKING RESEARCH. CONDUCTED NE PERIMETER RD PROJECT RESEARCH AND MARKET AREA RESEARCH.	0.25
01/29/14	CONDUCTED SALES RESEARCH AND INITIAL COMPENSATION ANALYSIS.	0.25
01/30/14	RESEARCHED ZONING AND FUTURE LAND USE FOR SUBJECT PROPERTY. CONDUCTED SALES RESEARCH AND DAMAGE ANALYSIS.	1.25
	TOTAL HOURS	2.25



Mr. Green Thumb Horticulturist

303 Arlington Avenue, West
Oldsmar, FL. 34677

Stan DeFreitas
Arborist

813-925-3030
Fax: 813-925-3031

November 17, 2015

INVOICE

Work Performed For: **Edgar Lopez, P. A.**
Harris Harris Bauerle Ziegler Lopez
1201 E Robinson Street
Orlando, FL 32801

<u>DATE</u>	<u>WORK DESCRIPTION</u>	<u>HOURS</u>	<u>AMOUNT</u>
3-27-2015	Consultation: GRIMM, KENNETH Wekiva Parkway Extension Project Parcel 173	3	\$ 525.00
4-3-2015	Review Appraisal Report/Pinel & Carpenter, Inc.	4	700.00
4-7-2015	Review Updated Appraisal/Walter Carpenter	3	525.00
4-15-2015	On site inspection at: 3302 Plymouth Sorrento Road, Apopka, FL Plant Count, measurements, photos	8	1,400.00
	MD – Data Collector – photographer	8	400.00
4-16-2015	Continued Site Inspection	8	1,400.00
	MD – Data Collector – photographer	8	400.00
4-20-2015	Tree Mart Nursery valuation/present day values	4	700.00
4-30-2015	Review Case/report/draft	8	1,400.00
	MD – Report data	8	400.00
5-4-2015	Willow Tree Nursery valuation/present day values	3.5	612.50

INVOICE (con't)

GRIMM, KENNETH

Edgar Lopez, P. A.

<u>DATE</u>	<u>WORK DESCRIPTION</u>	<u>HOURS</u>	<u>AMOUNT</u>
5-13-2015	Review Case/Teleconference/Experts	2	\$ 350.00
5-27-2015	Review/Telephone Consultation/GRIMM Case/update report	6	1,050.00
	MD – Report data	3	150.00
11-17-2015	Review Case/ photos/plant values	<u>2</u>	<u>350.00</u>
Total		78.5	\$ 10,362.50



Mr. Green Thumb Horticulturist

303 Arlington Avenue, West
Oldsmar, FL. 34677

Stan DeFreitas
Arborist

813-925-3030
Fax: 813-925-3031

November 17, 2015

INVOICE

Work Performed For: **Edgar Lopez, P. A.**
Harris Harris Bauerle Ziegler Lopez
1201 E Robinson Street
Orlando, FL 32801

<u>DATE</u>	<u>WORK DESCRIPTION</u>	<u>HOURS</u>	<u>AMOUNT</u>
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	MD – Data Collector – photographer	8	400.00
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4-20-2015	Tree Mart Nursery valuation/present day values	4	700.00
4-30-2015	Review Case/report/draft	8	1,400.00
	MD – Report data	8	400.00
5-4-2015	Willow Tree Nursery valuation/present day values	3.5	612.50

INVOICE (con't)

GRIMM, KENNETH

Edgar Lopez, P. A.

<u>DATE</u>	<u>WORK DESCRIPTION</u>	<u>HOURS</u>	<u>AMOUNT</u>
5-13-2015	Review Case/Teleconference/Experts	2	\$ 350.00
5-27-2015	Review/Telephone Consultation/GRIMM Case/update report	6	1,050.00
	MD – Report data	3	150.00
11-17-2015	Review Case/ photos/plant values	<u>2</u>	<u>350.00</u>
Total		78.5	\$ 10,362.50

please make checks payable to:

m e i civil, LLC

964 Lake Baldwin Lane., Suite 200

Orlando, FL 32814

407-893-6894

fax 407-893-6851

bill to:

Edgar Lopez, Esquire

Harris, Harris, Bauerle, Zeigler and Lopez

1201 E. Robinson Street

Orlando, FL 32801

Invoice Date: 11/18/2015

Invoice Number: 47039H-1

Invoice Amount Due: **\$15,487.50**

JOB: SR 429, Parcel 173

Grimm

Engineering Analysis

Description	Hours	Rate	Fee	Total
Principal (DLM)	47.0	\$250.00	\$11,750.00	\$11,750.00
Senior Designer (JRR)	22.0	\$120.00	\$2,640.00	\$2,640.00
Designer (MP)	4.0	\$90.00	\$360.00	\$360.00
			Subtotal	\$14,750.00
			Expense (5%)	\$737.50
			Total Fee Due	\$15,487.50

Payment Due Upon Settlement of Fees and Costs

We appreciate being part of your team!

Work Descriptions for Daniel L. Morris, P.E.

-47039h

Job Name *SR429 P173, Grimm*

<i>Date</i>	<i>Hours</i>	<i>Task</i>	<i>Work Description</i>
3/30/2015	5.0		review appraisal report and roadway construction plans
4/9/2015	1.5		review updated appraisal report
4/15/2015	5.0		prepare for and make site visit
5/8/2015	2.0		coordinate exhibit preparation
5/20/2015	1.5		coordinate with contractor , coordinate exhibit preparation
8/16/2015	9.0		download and analysis of Orange County Aerial topo maps and roadway compensating storage areas
8/17/2015	8.0		analysis of impacts, preparation of preliminary engineering report
8/18/2015	9.0		analysis of impacts, preparation of preliminary engineering report
10/19/2015	4.0		review drainage calcs and compensating storage calcs
10/20/2015	2.0		review compensating storage calcs
<i>Total Hours:</i>	<i>47.0</i>		

Work Descriptions for John R. Russell

47039H

Job Name *Grimm P173 SR 429*

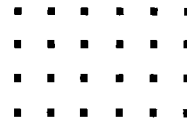
<i>Date</i>	<i>Hours</i>	<i>Task</i>	<i>Work Description</i>
5/6/2015	1.5		DownLoad Appiasal & Roadway Plans and Print
5/7/2015	0.5		Research & Download Digital Aerials
5/7/2015	1.5		Proposed Right of Way & Roadway BaseLines
5/7/2015	2.0		Existing Conditions & Boundary
5/8/2015	1.5		Draft Proposed RoadWay Plans - Ponds & Drainage
5/8/2015	1.5		Draft Proposed RoadWay Plans - Road & Bridge
5/8/2015	1.0		Before Conditions Exhibit
5/8/2015	1.0		Area Of Take Exhibit
5/9/2015	1.0		Draft Proposed RoadWay Plans - RoadWay Shading
5/9/2015	2.5		Draft Proposed RoadWay Plans - Ponds & Drainage
5/9/2015	2.0		Draft Proposed RoadWay Plans - Road & Bridge
5/11/2015	1.5		SetUp & Print Exhibits
5/11/2015	2.5		UnCured Remainder
5/20/2015	2.0		Create Enlarged Exhibits for Contractor Estimating
<i>Total Hours:</i>	<i>22.0</i>		

Work Descriptions for Mitchell Pentecost

-47039H

Job Name *SR 429, P173, Grimm*

<i>Date</i>	<i>Hours</i>	<i>Work Description</i>
10/15/2015	4.0	Download and organize drainage clacs and compensating storage calcs
<i>Total Hours:</i>	<i>4.0</i>	



Rahenkamp Design Group, Inc.

Invoice submitted to: _____

Mr. Stumpy Harris
Harris, Harris, Bauerle, Ziegler, Lopez
1201 E. Robinson Street
Orlando, FL 32801

November 16, 2015

In Reference To: Job # 14.069, OOCEA v. Allen R. Conrad, Personal Representative of the Estate of
Jerry K. Conrad
State Road 429/Wekiva Parkway Extension
Parcel No. 173

For Professional Services Rendered:

	<u>Hours</u>	<u>Fees</u>
04/01/14 Review OOCEA appraisal (Pinel & Carpenter)	1.40	315.00
04/08/14 Research Orange County Property Appraiser website for property information and Deed	0.20	8.40
04/11/14 Inspect subject property with Ken Grimm, Richard Parham and Eric Rahenkamp	4.40	660.00
Inspect subject property with Ken Grimm, Richard Parham and Steve Semonich	4.40	990.00
07/23/14 Review Right of Way Maps and print applicable sheets for subject property	0.20	8.40
03/06/15 Conversation with Kelsey Trujeque, Richard Parham & Edgar Lopez re: cataloguing of plant inventory, damages to property	0.20	45.00
Conversation with Eric Rahenkamp, Richard Parham & Edgar Lopez re: cataloguing of plant inventory, damages to property	0.20	24.00
03/19/15 Conversation with Rebecca from Harris, Harris & Bauerle re: site inspection; prepare for site inspection	0.60	72.00
03/20/15 Inspect subject property & surrounding neighborhood with Richard Parham, Edgar Lopez and Ken Grimm	6.00	720.00
04/16/15 Conversation with Rebecca Hoffpaur re: site inspection	0.20	24.00
05/13/15 Conference call with Richard Parham, Stan DeFreitas & Edgar Lopez re: review of taking & plant materials in taking	0.40	90.00
07/06/15 Conversation with Eric Rahenkamp and Edgar Lopez re: proposed cure plan	0.20	24.00

Development Services • Golf Course Architecture • Eminent Domain
Landscape Architecture • Land Use Planning
(LC0000343)

• • • • •
2816 S. MacDill Avenue
Tampa, FL 33629
Ph: (813) 835-4022 • Fx: (813) 835-9226
Eric@RDGroup.org • www.RDGroup.org

	<u>Hours</u>	<u>Fees</u>
07/06/15 Telephone conversation with Edgar Lopez re: cure plan preparation	0.20	45.00
07/21/15 Meeting with Steve Semonich and Eric Rahenkamp re: proposed cure plan and cost to cure	0.80	96.00
Meeting with Kelsey Trujeque re: Proposed Cure and items associated with cost to cure	0.40	60.00
07/22/15 Prepare base sheet per update title block information and add surrounding parcels	0.80	96.00
07/23/15 Prepare base sheet per add aerial images	0.40	48.00
07/24/15 Prepare base sheet per plot parent tract and Parcel 173; add dimension labels	1.00	120.00
Prepare Existing Conditions plan per add existing improvements and associated labels	1.00	120.00
Prepare Future Conditions plan per add proposed State Road 429 and associated labels	1.40	168.00
Research Orange County Land Development Code per determine landscape buffer requirements	1.00	120.00
Meeting with Eric Rahenkamp re: proposed cure plan	0.60	72.00
Conversation with Brett Meyers re: proposed cure and highest and best use of subject property	0.40	48.00
07/29/15 Telephone conversation with Edgar Lopez re: proposed cure plan	0.40	48.00
08/06/15 Conversation with Brett Meyer re: cost of proposed cure	0.20	24.00
08/10/15 Meeting with Steve Semonich re: proposed cost to cure	0.40	48.00
Conversation with Tim Roberts re: itemized cost to cure	0.60	72.00
08/11/15 Conversation with Richard Parham re: cost to cure and land planning memo; conversation with R.B. Roberts re: cost to cure	0.60	72.00
Meeting with Eric Rahenkamp re: land planning memo	0.40	48.00
Review construction plans per determine impacts of proposed elevated road project on subject property	0.80	96.00
Research Orange County Zoning and Future Land Use map per determine Zoning and Future Land Use designation of subject property	0.80	96.00
Dictate land planning summation re: future conditions of subject property	1.80	216.00
08/12/15 Dictate land planning summation memo re: effects of roadway project on subject property	0.60	72.00
Review & edit land planning summation memo	0.40	90.00
Prepare location map, tax map, zoning & comp plan exhibits	1.20	144.00
Total Professional Services:	<u>34.60</u>	<u>\$4,999.80</u>

For Expenses Incurred:

	<u>Fees</u>
B&W Xerox:	60.80
Color Xerox:	55.25
Total Expenses:	<u>\$116.05</u>
Total This Invoice:	<u>\$5,115.85</u>

Balance Now Due:

\$5,115.85

R. B. Roberts & Associates, Inc.
General Contractor - State Certified Class "A"

(727) 937-2416
FAX (727) 943-9396
250 SOUTH BEACH DRIVE
TARPON SPRINGS, FLORIDA 34689

CGC 016467

CONSTRUCTION CONSULTING
EXPERT WITNESS
LICENSED - INSURED

November 16, 2015

Edgar Lopez
Harris Harris Bauerle Zieler Lopez
1201 E. Robinson Street
Orlando, Florida 32801

Re: **GRIMM**
Parcels: **173**
Project: **WEKIVA PARKWAY EXTENSION PORJECT / ORANGE COUNTY,
FLORIDA**

STATEMENT FOR MEDIATION ONLY

For professional services rendered in reference to the above mentioned case:

Performed a detailed site inspection of parcel. Reviewed all information received from attorney and other experts. Preparation of a reproduction / replacement cost estimate, and items in the take cost estimate.

Total Due: **\$11,312.50**

Sincerely,

A handwritten signature in black ink, appearing to read 'R. B. Roberts', written in a cursive style.

Robert B. Roberts
President

RBR/jh

GRIMM

Parcel: 173

Project: APOPKA COUNTY, FLORIDA

Summary of Professional Services

<u>Date</u>	<u>Service Rendered</u>	<u>Hours</u>
<u>2015</u>		
03/30/15	Phone conference with Mr. Lopez re: new parcel and discussion on direction this parcel will be worked.	.75 P
04/02/15	Notification of meeting / inspection has been scheduled for Wednesday, April 15, 2015 at 11:00 am with owner, attorney, and other experts.	.25 P
04/10/15	Downloaded and reviewed hire letter, appraisal for the Florida Expressway Authority, Valuation date – November 8, 2013, and updated – appraisal dated – May 19, 2014.	1.75 P
04/14/15	Reviewed file and all information pertaining to parcel in preparation of meeting.	1.50 P
04/15/15	Attendance at meeting / inspection on property with attorney and other experts. Measurements, sketches, and photos.	8.00 P
04/16/15	Compilation on information obtained from site inspection / meeting.	1.50 P
05/13/15	Phone conference with other experts re: exchange information to help assist in preparing reports.	.50 P
05/13/15	Downloaded and reviewed engineering sketches.	1.25 P
05/26/15	Downloaded and reviewed copy of area in the take sketch and before take sketch.	1.00 P
06/10/15	Take off's – reproduction / replacement cost estimate – general site.	7.50 P 5.50 A
06/11/15	Take off's – irrigation system and well's.	4.00 P
06/11/15	Take off's – exterior - residence.	3.75 P 1.00 A
06/12/15	Take off's – interior – residence.	3.25 P 1.50 A

Service Rendered page - 2

06/15/15	Take off's – exterior and interior – mobile home - set up and porch only.	2.00 P 1.25 A
06/16/15	Take off's – storage buildings and work shop – exterior and interior.	2.00 P 1.50 A
06/17/15	Take off's – green houses and irrigation electric only.	4.00 P 3.50 A
06/18/15	Take off's – pole shade areas.	3.75 P 3.00 A
06/19/15	Compilation of permits and impact fees.	1.50 P
06/19/15	Phone conference with subcontractors and suppliers re: pricing.	2.25 P
06/22/15	Compilation of preliminary reproduction / replacement cost estimate.	1.50 P 1.25 A
06/23/15	Take off's – items in the take cost estimate.	4.50 P 4.00 A
06/24/15	Completion and preparation of breakdown for preliminary reproduction / replacement cost estimate and preliminary items in the take cost estimate.	1.50 P <u>1.25 A</u>
	Total hours:	81.75

P – Principal 58.00 hours @ \$150.00 = \$8,700.00
A – Associate 23.75 hours @ \$110.00 = \$2,612.50

Selection Criteria

Date range :Earliest through 8/16/16
 Slip numbers :All
 PROFESSIONAL :All
 Client :ZHARIS-ERINOM
 Activity :All
 Custom Fields :All
 Reference :All
 Slip status :Open
 Billing status :Hold
 Rate source :All at level All
 Bookmark slips :Not checked
 Hours :All
 Dollars :All
 Variance :Not checked

For time: s=spent u=unbillable e=estimated v=variance

Date / Start Time	PROFESSIONAL	Rate	Time	Total
Reference	Client	Level		
Description	Slip# Activity			
<u>Client - ZHARIS-ERINOM</u>				
.....29077		275.00	0.75s	206.25
3/10/14	PHIFER,S.C.	1		
OBTAIN AND GENERATE RELEVANT	ZHARIS-ERINOM			
PORTIONS OF REAL ESTATE	VALUATION			
APPRAISAL AND OTHER REPORTS				
FOR FUTURE ANALYSIS	ON HOLD			
.....29105		310.00	0.50s	155.00
3/10/14	MORGENSTERN-L J	1		
OPEN FILE	ZHARIS-ERINOM			
	VALUATION			
	ON HOLD			
.....29106		310.00	0.25s	77.50
3/10/14	MORGENSTERN-L J	1		
DOWNLOAD AND PRELIMINARY	ZHARIS-ERINOM			
REVIEW OF DOCUMENTS RECEIVED	VALUATION			
	ON HOLD			

Date 8/16/16
Time 4:24 pm

MORGENSTERN PHIFER & MESSINA, P.A.
Detail Slip Listing

For time: s=spent u=unbillable e=estimated v=variance

Date / Start Time	PROFESSIONAL	Rate		
Reference	Client	Level	Time	Total
Description	Slip# Activity			
<u>Client - ZHARIS-ERINOM</u>				
.....29407		310.00	1.50s	465.00
3/31/14	MORGENSTERN-L J	1		
TRAVEL TO AND FROM MEETING	ZHARIS-ERINOM			
IN ORLANDO (PORTION OF TIME)	VALUATION			
	ON HOLD			
.....29408		310.00	2.00s	620.00
3/31/14	MORGENSTERN-L J	1		
PREPARE FOR AND ATTEND	ZHARIS-ERINOM			
MEETING WITH MR. GRIM,	VALUATION			
STUMPY HARRIS AND RICHARD	ON HOLD			
PARHAM, DISCUSS HISTORICAL				
BUSINESS OPERATIONS AND				
EXPECTED AFFECT OF TAKING,				
DISCUSS FINANCIAL RECORDS				
AVAILABLE, INHERITED ASSETS,				
VALUE OF FEEDER TREES AND				
OTHER MATTERS				
.....29358		220.00	2.75s	605.00
4/1/14	GRAFF, BRIAN K.	1		
REVIEW FILE NOTES, RESEARCH	ZHARIS-ERINOM			
CLIENT VIA WEB BASED	VALUATION			
DATABASES; DETERMINE				
DOCUMENTS NEEDED TO BEGIN	ON HOLD			
ANALYSIS & DRAFT				
CORRESPONDENCE TO CLIENT				
REQUESTING SAME				
.....29418		310.00	0.50s	155.00
4/1/14	MORGENSTERN-L J	1		
DISCUSS RESULTS OF PRIOR DAY	ZHARIS-ERINOM			
MEETING, LEGAL ISSUES AND	VALUATION			
THOUGHTS CONCERNING WAY TO				
MEASURE DAMAGES	ON HOLD			

For time: s=spent u=unbillable e=estimated v=variance

Date / Start Time	PROFESSIONAL	Rate		
Reference	Client	Level	Time	Total
Description	Slip# Activity			

Client - ZHARIS-ERINOM

.....29500		310.00	0.25s	77.50
4/8/14	MORGENSTERN-L J	1		
CONFERENCE CALL STUMPY AND	ZHARIS-ERINOM			
THEN RICHARD PARHAM ON	VALUATION			
BUSINESS DAMAGE ISSUES				
	ON HOLD			

.....30167		310.00	1.00s	310.00
5/19/14	MORGENSTERN-L J	1		
TRAVEL TO AND FROM SITE IN	ZHARIS-ERINOM			
APOPKA (PORTION OF TIME)	VALUATION			
	ON HOLD			

.....30170		310.00	1.00s	310.00
5/19/14	MORGENSTERN-L J	1		
REVIEW FILES IN PREPARATION	ZHARIS-ERINOM			
FOR AND OBSERVE BUSINESS	VALUATION			
OPERATIONS				
	ON HOLD			

.....30174		310.00	0.50s	155.00
5/20/14	MORGENSTERN-L J	1		
DISCUSS SITE VISIT WITH	ZHARIS-ERINOM			
STUMPY HARRIS AND RICHARD	VALUATION			
PARHAM, DISCUSS LEGAL ISSUES				
RELATED TO CLAIM PREPARATION	ON HOLD			
WITH STUMPY				

.....30264		310.00	0.25s	77.50
5/27/14	MORGENSTERN-L J	1		
CONFERENCE CALL RUSS CONRAD	ZHARIS-ERINOM			
(BROTHER OF FORMER OWNER IN	VALUATION			
KENTUCKY) IN ATTEMPT TO				
LOCATE ACCOUNTING RECORDS	ON HOLD			
AND DISCUSS WITH STUMPY				
HARRIS				

For time: s=spent u=unbillable e=estimated v=variance

Date / Start Time	PROFESSIONAL	Rate	Time	Total
Reference	Client	Level		
Description	Slip# Activity			
<u>Client - ZHARIS-ERINOM</u>				
.....30270		310.00	0.25s	77.50
5/29/14	MORGENSTERN-L J	1		
DOWNLOAD AND PRELIMINARY	ZHARIS-ERINOM			
REVIEW OF APPRAISAL REPORT	VALUATION			
	ON HOLD			
.....31388		310.00	0.25s	77.50
8/7/14	MORGENSTERN-L J	1		
EMAIL CORRESPONDENCE AND	ZHARIS-ERINOM			
TELEPHONE CONFERENCE WITH	VALUATION			
STUMPY HARRIS				
	ON HOLD			
.....31783		275.00	0.50s	137.50
8/29/14	PHIFER, S.C.	1		
REVIEW FINANCIAL DATA	ZHARIS-ERINOM			
RECEIVED FROM OUTSIDE	VALUATION			
ACCOUNTANT; DETERMINE				
ADDITIONAL DATA NEEDED AND	ON HOLD			
ATTEMPT TO CONTACT LARRY				
WHITLEY				
.....32259		275.00	0.25s	68.75
9/25/14	PHIFER, S.C.	1		
CONFERENCE WITH LARRY	ZHARIS-ERINOM			
WHITLEY ABOUT ADDITIONAL	VALUATION			
FINANCIAL DATA AVAILABLE AND				
REQUESTED	ON HOLD			
.....32297		170.00	1.25s	212.50
9/29/14	FULLENWIDER, S.	1		
INPUT AND ANALYZE REVENUE	ZHARIS-ERINOM			
AND EXPENSES PER FORM 1040	VALUATION			
SCHEDULE F FOR THE YEARS				
ENDED DECEMBER 31, 2009	ON HOLD			
THROUGH 2012				

For time: s=spent u=unbillable e=estimated v=variance

Date / Start Time	PROFESSIONAL	Rate		
Reference	Client	Level	Time	Total
Description	Slip# Activity			
<u>Client - ZHARIS-ERINOM</u>				
.....32298		170.00	0.50s	85.00
9/29/14	FULLENWIDER, S.	1		
PREPARE LETTER AND PACKAGE	ZHARIS-ERINOM			
WITH DOCUMENTS CONTAINED IN	VALUATION			
FILE				
	ON HOLD			
.....32448		310.00	1.00s	310.00
9/29/14	MORGENSTERN-L J	1		
REVIEW FINANCIAL INFORMATION	ZHARIS-ERINOM			
AND DISCUSS WITH STUMPY	VALUATION			
HARRIS				
	ON HOLD			
.....32620		170.00	0.50s	85.00
10/13/14	FULLENWIDER, S.	1		
UPDATE ANALYSIS OF REVENUE	ZHARIS-ERINOM			
AND EXPENSES PER FORM 1040	VALUATION			
SCHEDULE F FOR THE YEARS				
ENDED DECEMBER 31, 2009	ON HOLD			
THROUGH 2012				
.....32695		275.00	1.50s	412.50
10/13/14	PHIFER, S.C.	1		
REVIEW FILE NOTES, FINANCIAL	ZHARIS-ERINOM			
DATA RECEIVED, ETC.; REVIEW	VALUATION			
DETAILED INCOME AND EXPENSES				
FOR YEARS ENDED DECEMBER 31,	ON HOLD			
2008 THROUGH 2012 PER				
SCHEDULE F OF FORM 1040 FOR				
JERRY CONRAD; DETERMINE				
MODIFICATIONS NEEDED				
.....32696		275.00	0.25s	68.75
10/13/14	PHIFER, S.C.	1		
REVIEW FILE AND DOCUMENT	ZHARIS-ERINOM			
PACKAGE FOR SUBMISSION TO	VALUATION			
ATTORNEY				
	ON HOLD			

Date 8/16/16
Time 4:24 pm

MORGENSTERN PHIFER & MESSINA, P.A.
Detail Slip Listing

For time: s=spent u=unbillable e=estimated v=variance

Date / Start Time	PROFESSIONAL	Rate	Time	Total
Reference	Client	Level		
Description	Slip# Activity			

Client - ZHARIS-ERINOM

.....32696 cont.

.....47106		275.00	0.50s	137.50
6/3/16	PHIFER, S.C.	1		
CONFERENCE WITH EDGAR LOPEZ	ZHARIS-ERINOM			
REGARDING POTENTIAL BUSINESS	VALUATION			
DAMAGES, INVENTORY LOSSES,				
GERSON REPORT, ETC.; REVIEW	ON HOLD			
FILE				

.....49340		310.00	2.00s	620.00
8/16/16	MORGENSTERN-L J	1		
ESTIMATED TIME TO PREPARE	ZHARIS-ERINOM			
FOR AND ATTEND FEE HEARING	VALUATION			
	ON HOLD			

Subtotal for - Client ZHARIS-ERINOM				
PROFESSIONAL			20.00s	5506.25
Client				0.00
Activity				0.00
Billable			20.00	5506.25
Unbillable				0.00

GRAND TOTAL				
PROFESSIONAL			20.00s	5506.25
Client				0.00
Activity				0.00
Billable			20.00	5506.25
Unbillable				0.00

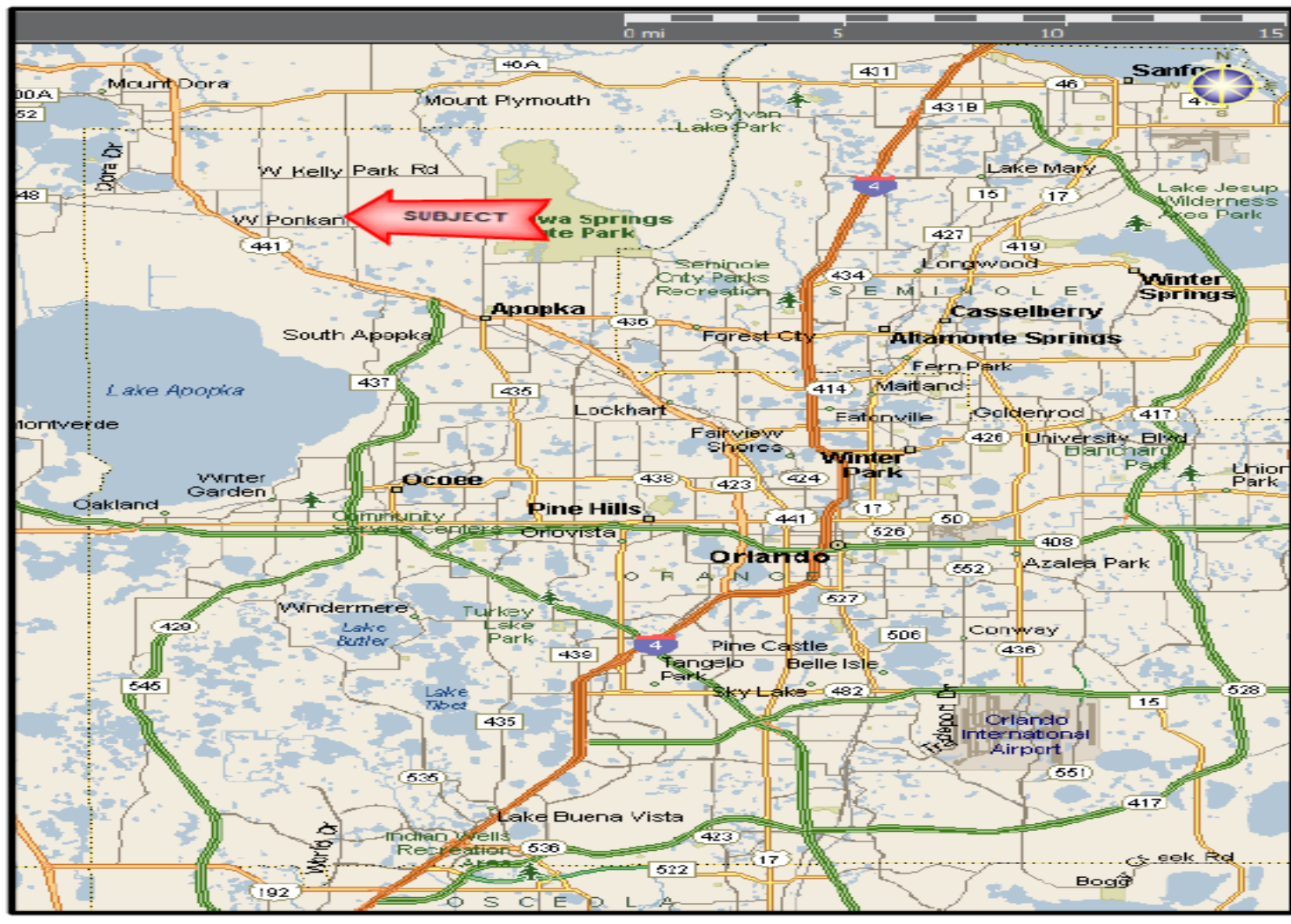


CENTRAL FLORIDA EXPRESSWAY AUTHORITY

RIGHT OF WAY COMMITTEE MEETING
September 28, 2016

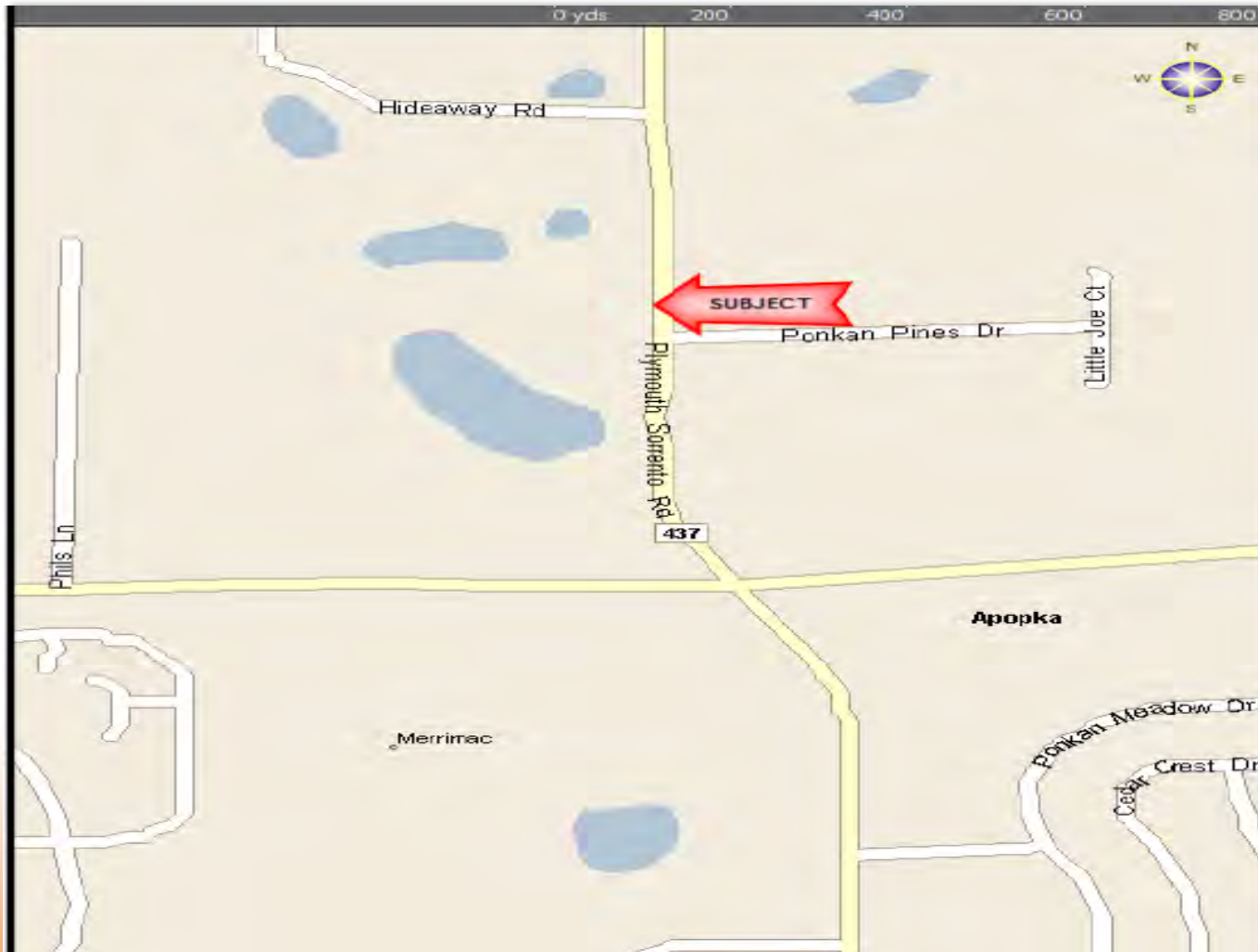
Parcel 173
Proposed Mediated Settlement

Map of Area





Aerial of Property

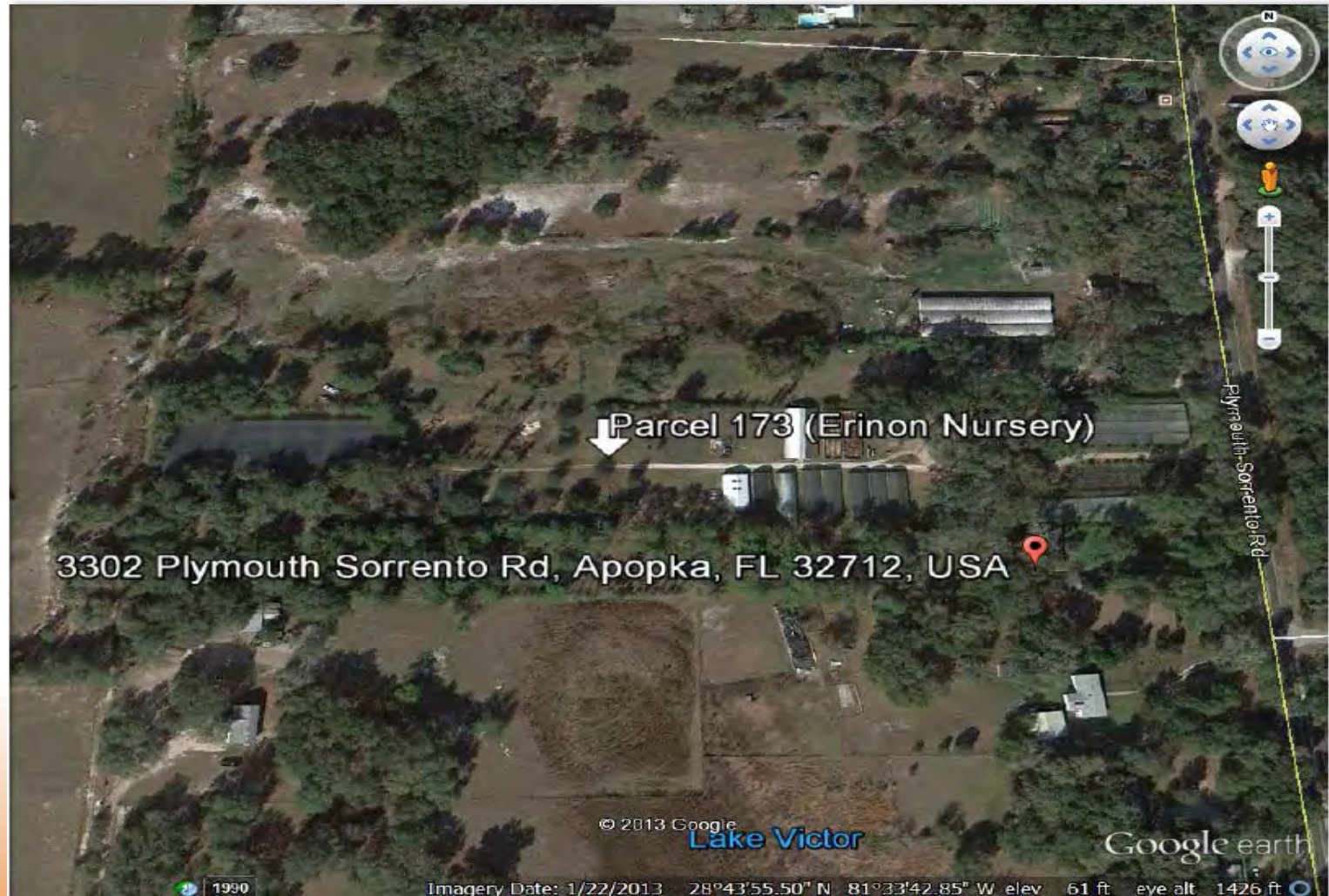


➤➤➤ Aerial of Property



*Approximate Representation
Source: Orange County Property Appraiser*

➤➤➤ Aerial of Property





Aerial of Property



➤➤➤ Aerial of Property



Photo #1 – Westerly view of subject property across Plymouth Sorrento Road.



Photo #2 – Southwesterly view of subject property across Plymouth Sorrento Road.

▶▶▶ Photos of Property



Photo #3 – View of single-family residence.



Photo #4 – View of manufactured home and stabilized driveway.

»»» Photos of Property



Photo #5 – View of shade areas.



Photo #6 – Southerly view of Plymouth Sorrento Road at subject right.



Comparison of Appraisals

Parcel 173	CFX's Appraisal (Carpenter)	Owner's Appraisal (Parham)
Land (2.598 acres)	\$39,100	\$104,000
Per Acre Value	\$15,000	\$ 40,000
Improvement	\$121,000	\$314,000
Severance Damages and Cost to Cure	\$5,000	\$133,600
Total for Owners	\$165,000	\$551,900



Invoices from Owners' Experts

Parcel 173	Owner's Demand
Richard H. Parham, Appraiser	\$22,367.00
Stan DeFreitas, Green Thumb, Horticulturist	\$10,362.50
MEI Civil (Dan Morris)	\$15,487.50
Rahenkamp Design Group, Inc. (Planner)	\$ 5,115.85
Roberts & Associates (General Contractor)	\$11,312.50
Subtotal	\$64,645.35
Lloyd Morgenstein, CPA	\$ 5,506.25
Total Expert Fees	\$70,151.60



Proposed Settlement

Parcel 173	Carpenter (CFX)	Parcham (Owner)	Proposed Settlement
Total for Owners	\$165,000.00	\$551,900.00	\$325,000.00
Expert Fees	\$51,659.05	\$ 70,151.60	\$ 52,800.00
Statutory Attorney's Fees	N/A	\$116,725.00	\$ 51,600.00
Total		\$738,776.60	\$429,400.00



Recommendation


Please recommend to the Board approval of an all-inclusive settlement in the amount of \$429,400, including statutory interest and all claims related to the real estate and business damages, severance damages, attorney's fees, litigation costs, expert fees and costs.

Tab J

CENTRAL FLORIDA EXPRESSWAY AUTHORITY

MEMORANDUM

TO: Central Florida Expressway Authority Right of Way Committee

FROM: Linda S. Brehmer Lanosa, Deputy General Counsel 

DATE: September 16, 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

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	\$728,700

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

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.

	Haynes	Dreggors
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	\$3,921,500	\$4,819,900

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

We respectfully request that the Right of Way Committee recommend to the CFX Board approval of an Offer of Judgment in the amount of **\$1,200,000**, or some other amount determined by the Committee to be in the best interest of the CFX. 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.

cc: Suzanne Driscoll, Esq., Shutts & Bowen

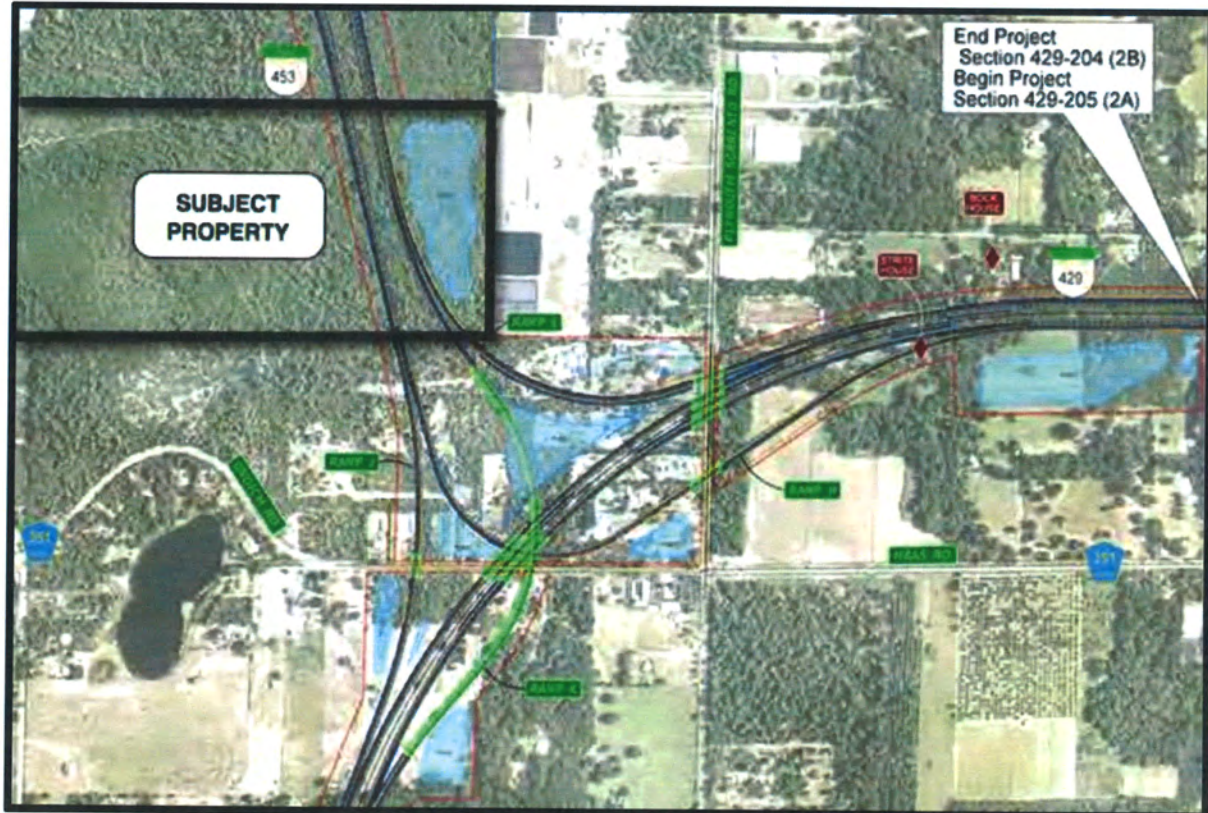
The HMF Property

• Parcel 301 •

Wekiva Parkway



GENERAL LOCATION MAP



The HMF Property

• Parcel 301 •

Wekiva Parkway



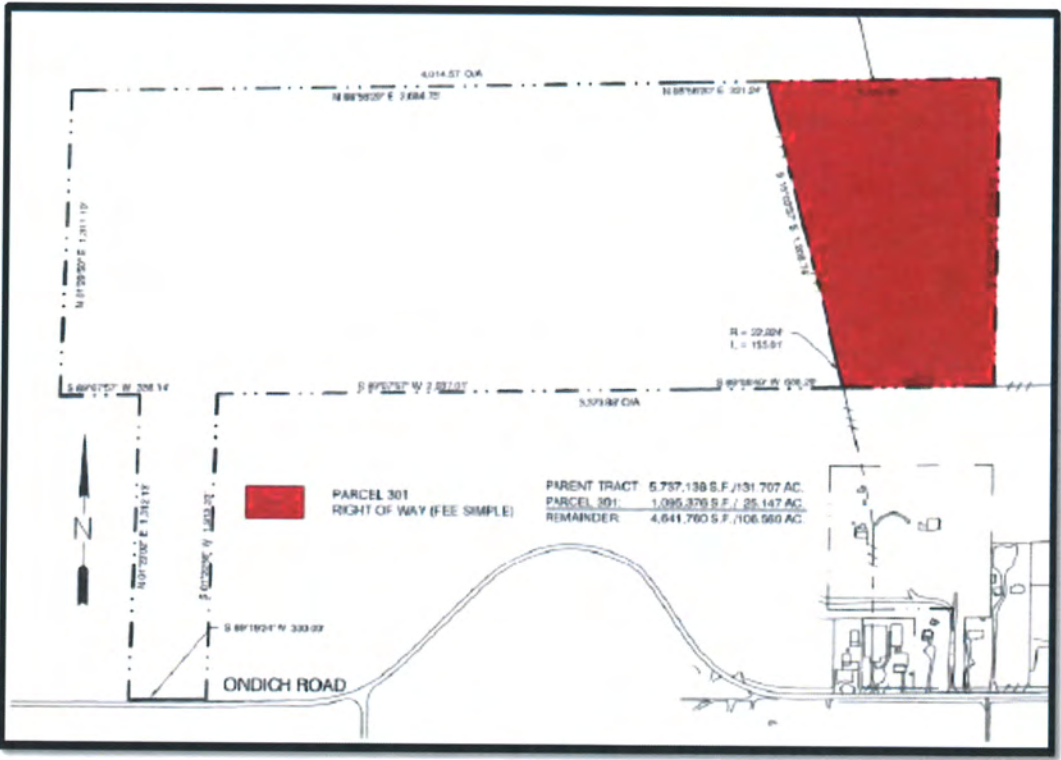
AERIAL

(Source: OCPAFL.org – 2014 Image Date)

The HMF Property

• Parcel 301 •

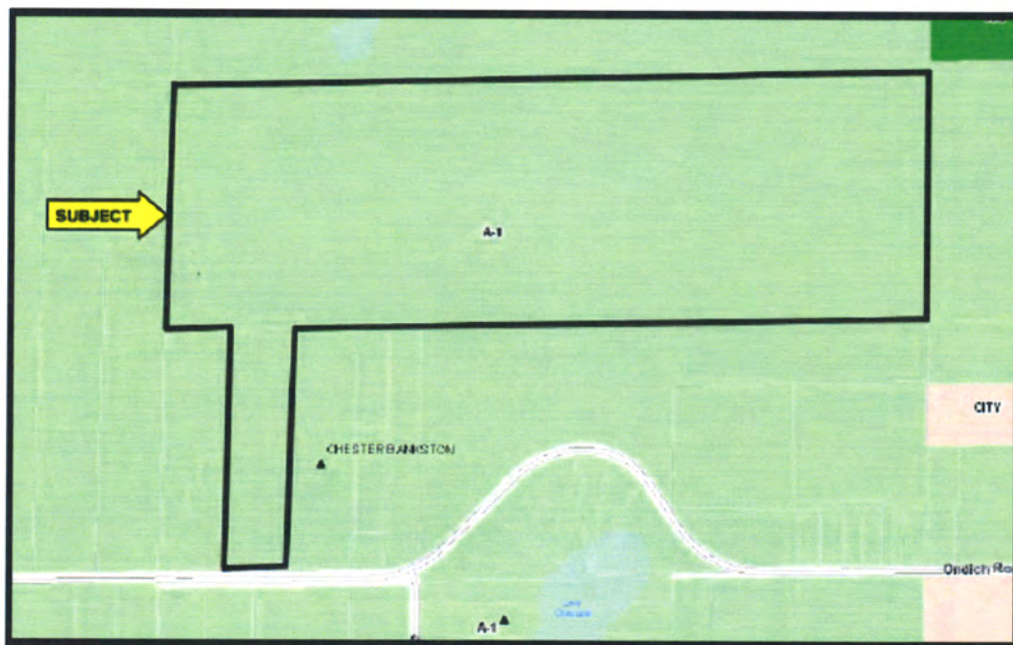
Wekiva Parkway



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)

Tab K

CENTRAL FLORIDA EXPRESSWAY AUTHORITY

MEMORANDUM

TO: Central Florida Expressway Authority Right of Way Committee

FROM: Linda S. Brehmer Lanosa, Deputy General Counsel *Linda BL*

DATE: September 16, 2016

RE: *Central Florida Expressway Authority v. Howard and Judith Benton et al.*,
Case No. 2015-CA-001237, Parcels 320/820
Location: 22437 Coronado Somerset Drive, Sorrento, Lake County, Florida
Parent: 6.282 acres; Taking: 3.281 plus 0.059 ac.; Remainder: 2.048 and 0.894 ac.

DESCRIPTION OF PROPERTY AND TAKING

Howard and Judith Benton are the owners of a 6.282-acre tract of property off of Coronado Somerset Drive, which is south of Wolf Branch Road and west of County Road 437 in Lake County, Florida. The property has a zoning designation of Agriculture District and a future land use designation of Regional Office. The property is improved with a single-family residence built in 1974 containing 2,147 square feet with a 2-car garage, shed and barn. The property is encumbered with a non-exclusive right-of-way easement for Coronado Somerset Drive. The easement is improved with a two-lane asphalt paved road and is 60 feet wide.

The taking consists of two parcels. Parcel 322 is a 3.281-acre fee simple taking encompassing the residence and bisecting the property into two remainders. Parcel 822 is a 0.059-acre taking for the land within the existing Coronado Somerset Drive. In the after condition, the northern remainder, which is 2.048 acres, will not have access. The 0.894-acre southern remainder will still have access off of Coronado Somerset Drive.

CFX'S APPRAISAL REPORT

Christopher D. Starkey, MAI, appraised the property for CFX. He concluded that the highest and best use of the property as improved is for continued residential use. The highest and best use of the property as if vacant is for agricultural uses and future long-term commercial. Applying the sales comparison approach, Mr. Starkey estimated the value at \$31,500 acre and the value of the parent tract's land at \$198,000. Mr. Starkey analyzed the value of the improvements on the property with the cost approach and estimated the depreciated replacement cost of the improvements at \$91,000. Combining the value of the land with the improvements totals \$289,000.

Mr. Starkey then applied the sales comparison approach to value the property as improved. The sales ranged in price from \$83.87 to \$116.12 per square foot or, after adjustments, from \$110.30 to \$146.10 per square foot. At \$140 per square foot, the value of the property as improved was \$301,000.

Reconciling the various approaches, Mr. Starkey concluded that the value of the parent tract as improved totaled **\$295,000**.

Regarding severance damages, the remainder parcels consist of two non-contiguous parcels. The northern remainder will not have access and will be diminished in value by 90% with a land value of \$3,150 per acre. The southern remainder has access, but is much smaller in size. The value of the southern remainder will be diminished by 50%. The value of the remainder tracts diminished in value from \$98,000 before the taking to \$21,000 after the taking, with severance damages of \$77,000. The cost to cure to provide fencing to the northern and southern remainders totals \$4,100.

In sum, Mr. Starkey estimated full compensation as follows:

	Starkey
Land Taken (at \$31,500 per acre) Part A: 3.281 acres Part B: 0.059 acres	\$ 105,000
Improvements Taken (single family home, attached garage, barb fencing, wood fencing, hog wire fencing, trees)	\$ 92,000
Severance Damages (at 90% and 50%)	\$ 77,000
Cost to Cure (fencing)	\$ 4,100
Total for Owners	\$278,100

OWNERS' APPRAISAL REPORT

The owners retained Richard C. Dreggors, GAA, state-certified general real estate appraiser, to value the property. He concluded that full compensation as of the date of the taking, September 9, 2015, should be **\$499,500**.

To value the parent tract before the taking, Mr. Dreggors first valued the land and then the single-family residence. He valued the land at \$45,000 per acre, relying upon sales ranging from \$39,063 to \$49,342 per acre. The estimate of value for just the land of the parent tract is \$282,600. Regarding the single-family residence, Mr. Dreggors relied upon sales ranging in price from \$107 to \$125 per square foot, with a value of \$110 per square foot or \$236,200 for the residence alone. Mr. Dreggors also stated that the reproduction cost of the 40-year old home would be \$516,714 subject to 60% depreciation based upon a 30-year effective age and a 50-year economic life, yielding a depreciated value of \$206,700. Mr. Dreggors concluded that the total value of the parent tract before the taking was **\$505,000**.

Regarding severance damages, Mr. Dreggors concluded that the remainders would no longer allow the properties to be independently developed and had nominal values of \$7,500. Mr. Dreggors added a cost to cure of \$2,000 to reestablish fencing and for a boundary survey. Severance damages are computed by subtracting the value of the part taken (\$370,000) from the value of the parent tract in the before condition (\$505,000), and then subtracting the value of the remainder (\$5,500). The table below summarizes Mr. Dreggors opinion of value.

	Dreggors
Land Taken (at \$45,000 per acre)	\$147,600
Improvements Taken	\$222,400
Severance Damages	\$129,500
Total for Owners	\$499,500

EXPERT FEES AND COSTS

Counsel for the owners submitted invoices from two experts, which are itemized below.

Expert	Invoice
Calhoun, Dreggors & Associates	\$14,719.00
MEI Civil, LLC	\$14,374.50
Total	\$29,093.50

Copies of the invoices are attached.

NEGOTIATIONS AND PROPOSED SETTLEMENT

The parties mediated on September 13, 2016. One of the complexities in this case involved the relocation benefits that the owners received prior to the mediation. The Bentons received Replacement Housing Payments ("RHP") in the amount of \$139,535.50, which allowed the Bentons to move into a comparable replacement dwelling with a value of up to \$285,900, even though their existing residence had an adjusted value of \$125,998.98. Since the RHP was based upon the initial deposit made by CFX, a subsequent settlement in an amount greater than the initial deposit requires a portion of the RHP to be credited back to CFX. For example, a settlement in the amount of \$401,000 for the property taken results in a payment to the Bentons of only \$92,225.60, rather than the difference between the settlement amount and the amount of the initial deposit (\$401,000 less \$263,100 or \$137,900) because CFX is entitled to an additional credit of \$45,674.40 per the RHP formula.

After additional post-mediation discussions, the parties reached a proposed compromise consisting of an all-inclusive settlement of **\$478,000**. The exact breakdown of the all-inclusive settlement amount is unknown. Assuming full compensation to the owners is \$401,000, the statutory attorney's fee is \$48,510 and the expert fees are \$28,490.

This proposed settlement should neither be construed nor interpreted to be CFX's position at trial or in any other case, nor should the proposed settlement be construed or interpreted to be an agreement with the owners' factual or legal positions.

REQUESTED ACTION

We respectfully request that the Right of Way Committee recommend to the CFX Board approval of the proposed Settlement Agreement in the amount of **\$478,000**, resolving all claims for compensation for the taking of Parcels 320/820, including severance damages, tort damages, business damages, interest, attorney's fees, attorney's costs, expert fees, expert costs, and any other claim, subject to apportionment, if any.

cc: Sidney Calloway, Esq., Shutts & Bowen

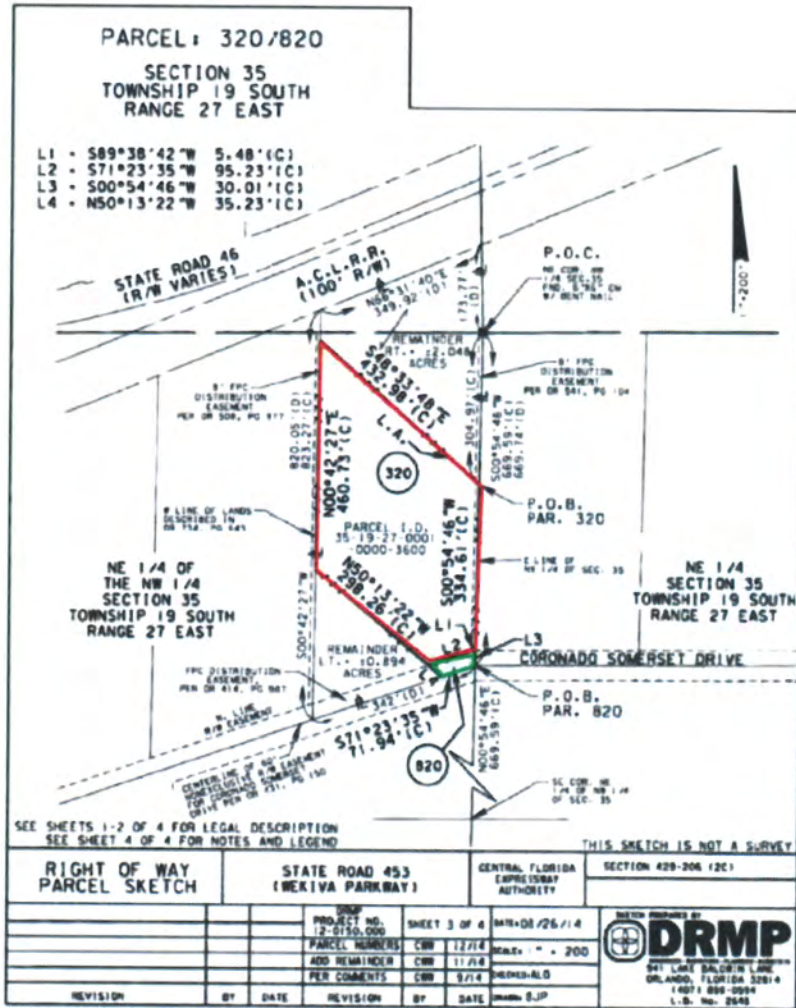
Attachments: Aerials and Photographs
Mediated Settlement Agreement
Invoices from Counsel for the Owners



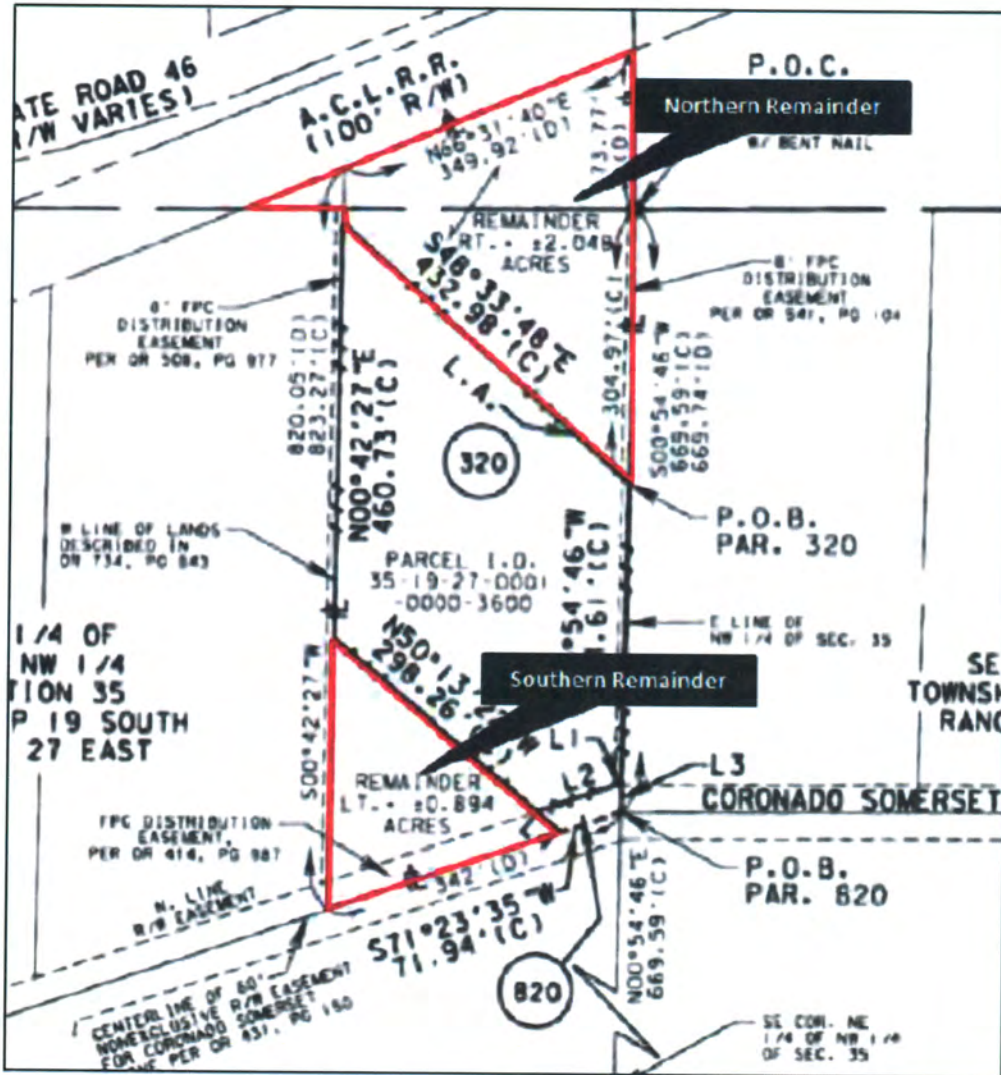


Wekiva Parkway - Section 429-206, Parcel 320 and Parcel 820
22437 Coronado Somerset Drive
Sorrento, Florida

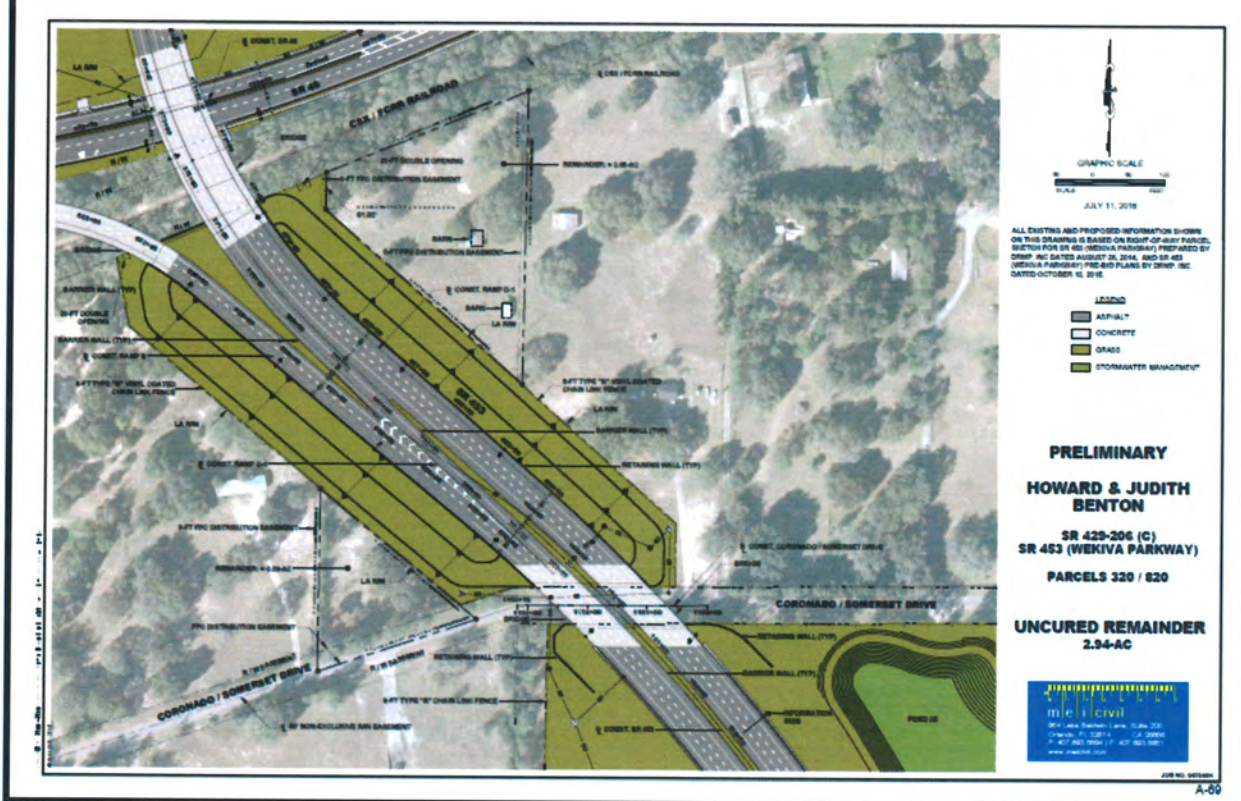
Part Acquired Sketch



Wekiva Parkway - Section 429-206, Parcel 320 and Parcel 820



S



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

CENTRAL FLORIDA EXPRESSWAY AUTHORITY, CASE NO: 2015-CA-001237
body politic and corporate, and an agency of the state
under the laws of the State of Florida,
Petitioner, Parcels 320/820

vs.

Judge _____

CURTIS WAYNE MCNEIL, et. al.

Respondents.

SETTLEMENT AGREEMENT

Respondents, Howard Benton and Judith Benton, and representatives of the Central Florida Expressway Authority reached the following Settlement Agreement:

1. Petitioner will pay to Respondents, Howard Benton and Judith Benton, referred to as "Respondents," the sum of **Four Hundred Seventy-Eight Thousand Dollars** exactly (\$478,000), in full settlement of all claims for compensation from Petitioner whatsoever for the taking of Parcel 320 and 820, including statutory interest and all claims related to real estate and business damages, severance damages, tort damages, attorney's fees and litigation costs, expert witness fees, and costs. The settlement sum may be subject to claims of apportionment by any party in this case having a property interest in or a lien on the subject property. Petitioner previously deposited in the Registry of the Court Petitioner's good faith estimate in the amount of Two Hundred Sixty-Three Thousand One Hundred Dollars (\$263,100). In addition, because Respondents previously received a Replacement Housing Payment ("RHP"), Petitioner is entitled to an additional credit of Forty-Five Thousand Six Hundred Seventy-Four Dollars and forty cents (\$45,674.40). Within thirty days (30) days from the date of receipt by Petitioner's counsel of a conformed copy of the Stipulated Final Judgment, Petitioner will pay to Respondents, by deposit in the Registry of the Court the sum of **One Hundred Sixty-Nine Thousand Two Hundred Twenty-Five Dollars and sixty cents exactly (\$169,225.60)**, representing the difference between the total settlement sum referenced above and the Petitioner's previous deposit plus the RHP credit in this case.

2. This Settlement Agreement will be placed on the agenda for the Right of Way ("ROW") Committee and Central Florida Expressway Authority ("CFX") Board and is conditioned upon final approval by the ROW Committee and then the CFX Board.

3. The parties agree to continue the trial of this matter pending review by the CFX ROW Committee and CFX Board.

4. The parties agree to waive any confidentiality provisions set forth in Chapter 44 of Florida Statutes, the Florida Rules of Civil Procedure, and the Florida Rules of Evidence, if applicable, for the limited purpose of consideration of this proposed Settlement Agreement by the ROW Committee and the CFX Board.

5. Counsel for Petitioner will submit to the Court a standard Motion for Stipulated Final Judgment containing the terms and conditions of this Settlement Agreement within fifteen (15) days from the date of approval of this Settlement Agreement by the CFX Board.

6. This Agreement resolves all claims whatsoever, including claims of compensation arising from the taking of Parcels 320 and 820, severance damages, business damages, tort damages, interest, attorney's fees, attorney's costs, expert fees, expert costs, and any other claim.

7. This Settlement Agreement, executed by the parties and their counsel on the dates below, contains all the agreements of the parties.



Print Name: Linda S. Benton
Central Florida Expressway Authority

Date: 9/16/16

Print Name: _____
Counsel for CFX

Date: _____

Print Name: _____
Mediator

Date: _____



Print Name: Howard N. Benton
Owner

Date: 9/16/16


Print Name: Judith Benton
Owner

Date: 9/16/16


Print Name: Edgar Lopez
Attorney for Owner

Date: 9/15/16

Calhoun, Dreggors & Associates, Inc.

• Real Estate Appraisers & Consultants •

August 29, 2016

Edgar Lopez, Esq.
c/o Harris Harris Bauerle Ziegler Lopez
1201 East Robinson Street
Orlando, FL 32801

RE: Owner: Benton
Project: Wekiva Parkway
Parcel No.: 320/820
County: Lake

INVOICE

Review CFX documents and appraisal report, review subject information, conferences with owner's representative, meeting with owners, review right-of-way plans, land sales research/analysis, meeting with contractor to review RCN analysis, improved sales research/analysis, inspection of sales, preparation of appraisal, meeting with owners to review.

LaBarre:	36.50 Hrs. x \$150/Hr. =	\$ 5,475
Abrams-Schmidt:	29.25 Hrs. x \$175/Hr. =	5,119
Dreggors:	15.00 Hrs. x \$275/Hr. =	<u>4,125</u>
Total		\$14,719

Thank you,

Richard C. Dreggors, GAA
President

RCD/ddp

728 West Smith Street • Orlando, Florida 32804
Tel (407) 835-3395 • Fax (407) 835-3393

OWNER	BENTON	KIMBERLY LABARRE
PROJECT	WEKIVA PARKWAY	
PARCEL(S)	320	
COUNTY	LAKE	

DATE	TYPE OF SERVICE	HOURS
07/07/15	REVIEW REPORTS AND DOCUMENTS.	2.25
07/09/15	SPOKE TO OWNERS REPRESENTATIVE REGARDING NEED FOR AN RCN; SALES RESEARCH.	4.00
07/14/15	PREPARE FOR PROPERTY INSPECTION.	0.75
07/15/15	INSPECT SUBJECT PROPERTY.	1.25
07/17/15	MET WITH RICK TO DISCUSS APPRAISAL ISSUES; CALLED CFX AND EXPRESSWAY AUTHORITY; RESEARCHING MAPS AND CONSTRUCTION PLANS.	0.25
08/01/15	SPOKE TO CONTRACTOR REGARDING SUBJECT IMPROVEMENTS.	0.50
08/03/15	SPOKE TO RICK REGARDING PLANS AND TAKE.	0.25
09/02/15	REVIEWED RCN FROM CONTRACTOR FOR BOTH CFX AND OWNER; SPOKE TO RICK REGARDING REPORTS.	1.00
09/03/15	PREPARE FOR AND ATTEND CONFERENCE CALL WITH OWNER'S REPRESENTATIVE; RESEARCH FOR NEW UPDATED SALES; MET WITH RICK TO DISCUSS.	3.25
09/08/15	SPOKE TO SURVEYOR AND PREPARE DOCUMENTS TO OBTAIN FEE QUOTE; SENT INFORMATION TO OWNER'S REPRESENTATIVE.	0.50
09/22/15	MET WITH CONTRACTOR TO DISCUSS SUBJECT PROPERTY.	0.25
10/22/15	SALES RESEARCH; MEETING WITH RICK TO DISCUSS.	5.25
10/23/15	MEET WITH RICK TO GO OVER SALES ANALYSIS; CONTINUE SALES RESEARCH.	4.00
10/27/15	VERIFY SALES; PREPARE SALE WRITE-UPS.	3.75
10/28/15	PREPARE TAKING ANALYSIS AND ANALYZING DAMAGES TO REMAINDER; CONTINUE TO VERIFY SALES.	5.00
10/29/15	PREPARE SUMMARIES OF OUR ANALYSIS; MEETING WITH RICK.	2.00

OWNER	BENTON	KIMBERLY LABARRE
PROJECT	WEKIVA PARKWAY	
PARCEL(S)	320	
COUNTY	LAKE	

DATE	TYPE OF SERVICE	HOURS
01/25/16	SPOKE TO OWNER'S REPRESENTATIVE; MET WITH RICK TO DISCUSS APPRAISAL ISSUES FOR OWNER'S REPRESENTATIVE.	<u>2.25</u>
	TOTAL HOURS	36.50

OWNER	BENTON	COURTNEY ABRAMS
PROJECT	WEKIVA PARKWAY	
PARCEL(S)	320	
COUNTY	LAKE	

DATE	TYPE OF SERVICE	HOURS
06/23/15	REVIEW SCOPE OF WORK WITH RICK; PREPARE FOR MEETING; RESEARCH CITY OF MOUNT DORA DOCUMENTS.	2.25
07/07/16	ANALYSIS OF SALES; WORKED ON SUBJECT EXHIBITS; REVIEW OF UPDATED CONDEMNOR APPRAISAL.	2.50
07/08/16	ASSISTED WITH APPRAISAL; ANALYSIS OF DAMAGES.	6.25
07/11/16	ASSISTED WITH APPRAISAL; REVIEW OF ENGINEERING REPORT.	6.00
07/12/16	ASSISTED WITH APPRAISAL; WORKED ON ADDENDA.	5.50
07/13/16	MEETING WITH RICK TO REVIEW ANALYSIS; FINALIZE ADDENDA.	4.75
08/15/16	PREPARE FOR MEETING; MEETING WITH OWNERS AND EXPERTS.	<u>2.00</u>
	TOTAL HOURS	29.25

OWNER	BENTON	RICHARD C. DREGGORS, GAA
PROJECT	WEKIVA PARKWAY	
PARCEL(S)	320	
COUNTY	LAKE	

DATE	TYPE OF SERVICE	HOURS
03/27/15	REVIEW INFORMATION FROM OWNER'S REPRESENTATIVE.	1.50
05/29/15	PREPARE FOR AND REVIEW DOCUMENTS; CONFERENCE WITH OWNER'S REPRESENTATIVE.	1.00
06/24/15	PREPARE FOR MEETING; REVIEW EXAMPLES OF CONVERTED HOMES ALONG STATE ROAD 46.	1.25
07/17/15	MEETING WITH ASSOCIATE.	0.50
08/03/15	REVIEW R/W PLANS; MEET WITH ASSOCIATE TO REVIEW NEED FOR A SURVEY.	0.25
09/02/15	REVIEW RCN FOR SUBJECT IMPROVEMENTS; CONFERENCE WITH ASSOCIATE.	0.75
09/03/15	PREPARE FOR AND CONFERENCE WITH OWNER'S REPRESENTATIVE TO REVIEW SCOPE OF REMAINING WORK.	0.50
09/22/15	MEETING WITH CONTRACTOR TO REVIEW THE RCN ANALYSIS.	0.25
10/22/15	ASSIST WITH LAND SALES RESEARCH AND ANALYSIS; ASSIST WITH IMPROVED SALES RESEARCH OF HOMES; ANALYSIS OF SALES; REVIEW WITH ASSOCIATE.	2.75
10/23/15	REVIEW SALES WITH ASSOCIATE.	0.50
10/29/15	REVIEW OUR BEFORE VALUES AND DATA ANALYSIS OF TAKING AND DAMAGES TO THE REMAINDER; REVIEW WITH ASSOCIATE.	1.00
01/25/16	MEETING WITH ASSOCIATE TO REVIEW OUR ANALYSIS AND REMAINING SCOPE OF WORK.	0.50
07/13/16	REVIEW/WRITE REPORT.	2.75
08/15/16	PREPARE FOR AND MEET WITH OWNERS TO REVIEW VALUATION OF PROPERTY.	<u>1.50</u>
	TOTAL HOURS	15.00

please make checks payable to:

m e i civil, LLC

964 Lake Baldwin Lane., Suite 200

Orlando, FL 32814

407-893-6894

fax 407-893-6851

www.meicivil.com

bill to:

Edgar Lopez, Esquire

Harris, Harris, Bauerle, Zeigler and Lopez

1201 E. Robinson Street

Orlando, FL 32801

Invoice Date: 9/9/2016

Invoice Number: 47044H-1REV

Invoice Amount Due: **\$14,374.50**

JOB: SR 429, Parcel 320 / 820

Howard & Judith Benton

Engineering Analysis

Description	Hours	Rate	Fee	Total
Principal (DLM)	28.5	\$265.00	\$7,552.50	\$7,552.50
Senior Project Manager (KSH)	3.0	\$205.00	\$615.00	\$615.00
Senior Designer (JRR)	39.5	\$125.00	\$4,937.50	\$4,937.50
Designer (MP)	6.5	\$90.00	\$585.00	\$585.00
			Subtotal	\$13,690.00
			Expense (5%)	\$684.50
			Total Fee Due	\$14,374.50

Payment Due Upon Settlement of Fees and Costs

Work Descriptions for Daniel L. Morris, P.E.

-47044h

Job Name *SR429, 320/820, Howard and Judith Benton*

<i>Date</i>	<i>Hours</i>	<i>Task</i>	<i>Work Description</i>
11/16/2015	2.0		review appraisal report and roadway construction plans
7/8/2016	5.5		review latest appraisal report and roadway construction plans
7/9/2016	9.0		coordinate exhibit preparation, analysis of impacts, preliminary engineering report
7/10/2016	5.0		coordinate exhibit preparation, analysis of impacts, preliminary engineering report
7/11/2016	4.5		finalize preliminary engineering report
8/15/2016	2.5		prepare for and attend meeting with property owners, experts and attorneys
<i>Total Hours:</i>	<i>28.5</i>		

Work Descriptions for Kevin S. Hebert, PE

-47044H

Job Name *SR 429 Sect 206, P320/820, Benton, Howard & Judith*

<i>Date</i>	<i>Hours</i>	<i>Work Description</i>
12/2/2015	3.0	Prep and attend site visit, improvement locates, photographs
<i>Total Hours:</i>	<i>3.0</i>	

Work Descriptions for John R. Russell

047044

Job Name *Wekiva Parkway P320 Howard Benton*

<i>Date</i>	<i>Hours</i>	<i>Task</i>	<i>Work Description</i>
7/7/2016	2.0		Download & Review FDOT Roadway Plans
7/7/2016	4.0		Draft FDOT Roadway Plans - R/W; Edge of Pvmt's & Retaining Walls
7/7/2016	2.0		Download & Review Appraisal Report
7/8/2016	2.0		USGS, Site Aerial, FEMA & Location Map Exhibits
7/8/2016	2.0		Existing Conditions & Boundary
7/8/2016	5.0		Proposed Right of Way & Roadway BaseLine
7/9/2016	6.0		Draft Proposed Roadway Plans - Road & Bridge
7/10/2016	3.0		UnCured Remainder Exhibit
7/10/2016	6.0		Draft Proposed Roadway Plans - Road & Bridge
7/11/2016	2.0		Before Conditions Exhibit
7/11/2016	3.0		Area of Take Exhibit
7/11/2016	1.0		SetUp & Print Exhibits
7/11/2016	1.5		Update & Plot Final Exhibits per Engineer Comments
<i>Total Hours:</i>	<i>39.5</i>		

Work Descriptions for Mitchell Pentecost

-47044H

Job Name *SR429, P320/820, Benton, Howard & Judith*


<i>Date</i>	<i>Hours</i>	<i>Work Description</i>
11/16/2015	0.5	Setup physical job folder
11/17/2015	1.0	Begin work on before conditions/AOT to locate septic system
12/2/2015	2.5	Site visit, probe for septic tank/drain field and locate and measure based on fixed points.
12/3/2015	1.0	Sketch points taken yesterday to show septic/drainfield on aerial in taking.
12/7/2015	0.5	Add old existing drainfield/septic to sketch
12/8/2015	1.0	Tweak sketches for plot.
<i>Total Hours:</i>	6.5	

Tab L

CENTRAL FLORIDA EXPRESSWAY AUTHORITY

MEMORANDUM

TO: Central Florida Expressway Authority Right of Way Committee

FROM: Linda S. Brehmer Lanosa, Deputy General Counsel 

DATE: September 15, 2016

RE: *Central Florida Expressway Authority v. Cecil and Frankie Benton et al.*,
Case No. 2015-CA-001237, Parcels 322 and 822
Location: 22521 Coronado Somerset Drive, Sorrento, Lake County, 1Florida
Parent: 5.11 acres; Taking: 1.322 acres and 0.18 acres; Remainder: 3.607 acres

DESCRIPTION OF PROPERTY AND TAKING

Cecil and Frankie Benton are the owners of a 5.11-acre tract of property off of Coronado Somerset Drive, which is south of Wolf Branch Road and west of County Road 437 in Lake County, Florida. The property has a zoning designation of Agriculture District and a future land use designation of Regional Office. The property is improved with a 1,674-square-foot residence built in 1973. It has 3 bedrooms, 2 bathrooms, kitchen, family room, living room, dining room, office, and laundry room. The property is encumbered with a non-exclusive right-of-way easement for Coronado Somerset Drive. The easement is improved with a two-lane asphalt paved road and is 60 feet wide.

The taking consists of two parcels. Parcel 322 is a 1.322-acre fee simple taking in the southwest corner of the property. Parcel 822 is a 0.181-acre easement along Coronado Somerset Drive. The remainder is 3.607 acres. In the after condition, the property will be adjacent to an elevated expressway and the home will be close to the limited access boundary line.

CFX'S APPRAISAL REPORT

Christopher D. Starkey, MAI, appraised the property for CFX. He concluded that the highest and best use of the property is as improved. Applying the sales comparison approach, Mr. Starkey estimated the value at \$27,300 per acre with sales ranging from roughly \$23,946 to \$29,040 per acre. He valued the parent tract's land at \$139,000.

Mr. Starkey then applied the sales comparison approach to value the property as improved. The improvements included the 1,674-square-foot home, detached garage, unfinished barn, private septic, well, barb wire fencing, wood fencing, metal gate, and hog wire fencing. The sales ranged in price from \$83.87 to \$121.36 per sq. ft. or \$94.54 to \$122.61 per sq. ft. after adjustments. Applying \$122 per sq. ft., the value of the property as improved was \$204,000. Mr. Starkey also analyzed the value of the improvements on the property with the cost approach and estimated the depreciated replacement cost of the improvements at \$51,000.

Reconciling the various approaches, Mr. Starkey concluded that the value of the parent tract as improved totaled **\$200,000**.

Regarding severance damages and cost to cure, Mr. Starkey opined that after the taking, the value of the remainder would be diminished by 50%. There was a cost to cure to replace 450 linear feet of fencing and the septic system in the amount of \$13,000.

In sum, Mr. Starkey estimated the value of the part taken along with severance damages as follows:

	Starkey
Land Taken (at \$27,300 per acre) Part A: 1.322 acres Part B: 0.181 acres	\$ 41,000
Improvements Taken	\$ 8,350
Severance Damages (at 50%)	\$ 60,650
Cost to Cure (450 linear feet of fencing, Septic System)	\$ 13,000
Total for Owners	\$123,000

OWNERS' APPRAISAL REPORT

The owners retained Richard C. Dreggors, GAA, state-certified general real estate appraiser, to value the property. He concluded that full compensation as of the date of the taking, September 9, 2015, should be \$292,500. He valued the land at \$45,000 per acre, relying upon sales ranging from \$39,063 to \$49,342 per acre for the land. He valued the parent tract's land at \$230,000.

Regarding the single-family residence, Mr. Dreggors relied upon sales ranging in price from \$107 to 125 per square foot, settling on a value of \$110 per square foot or \$184,100 for the residence. Mr. Dreggors also analyzed the value of the home by examining the reproduction cost of the improvements subject to depreciation. He concluded that the reproduction cost of the 40-year old home would be \$466,743 subject to 60% depreciation based upon an effective age of 30 years and an economic life of 50 years, yielding a depreciated value of \$186,700. After combining the value of the land and improvements and then reconciling the two approaches, Mr. Dreggors opined that the value of the parent tract before the taking was **\$415,000**.

Mr. Dreggors concluded that severance damages would be 60%, just 10% higher than Mr. Starkey's percentage estimate of severance damages. Nevertheless, because Mr. Dreggors placed a higher value on the parent tract as improved, less the part taken, the actual severance damage component value was significantly higher than Mr. Starkey's estimate. A table summarizing Mr. Dreggors' opinion of value is below.

	Dreggors
Land Taken (at \$45,00 per acre) Part A: 1.322 acres Part B: 0.181 acres	\$ 59,400
Improvements Taken	\$ 8,400
Severance Damages	\$ 213,600
Cost to Cure (450 lft. of fencing, septic system)	\$ 11,100
Total for Owners	\$292,500

EXPERT FEES AND COSTS

Counsel for the owners submitted invoices from two experts totaling \$35,093, copies of which are attached. The invoices consist of the following:

Expert	Invoice
Calhoun, Dreggors & Associates	\$19,893
MEI Civil, LLC	\$15,200
Total	\$35,093

NEGOTIATIONS AND PROPOSED SETTLEMENT

The parties mediated on September 12, 2016, and reached a proposed compromise consisting of an all-inclusive settlement of \$279,000. The exact breakdown of the all-inclusive settlement amount is unknown. Assuming the experts received \$30,000, the sum of \$249,000 would be allocated to the owners and their attorneys. Applying a statutory attorney's fee of 33% of the benefit and a first offer of roughly \$109,100, the owners would theoretically receive \$214,000 and the statutory attorney's fee would be just under \$35,000.

	Starkey	Dreggors	Proposed Settlement
Total for Owners	\$123,000	\$292,500	\$214,000*
Expert Fees		\$ 35,093	\$ 35,000*
Statutory Attorney's Fees		\$ 60,522	\$ 30,000*
		\$388,115	\$279,000

*Hypothetical Breakdown

This proposed settlement should neither be construed nor interpreted to be CFX's position at trial or in any other case, nor should the proposed settlement be construed or interpreted to be an agreement with the owners' factual or legal positions.

REQUESTED ACTION

We respectfully request that the Right of Way Committee recommend to the CFX Board approval of the proposed Settlement Agreement in the amount of **\$279,000**, resolving all claims for compensation for the taking of Parcels 322 and 822, including severance damages, tort damages, business damages, interest, attorney's fees, attorney's costs, expert fees, expert costs, and any other claim, subject to apportionment, if any.

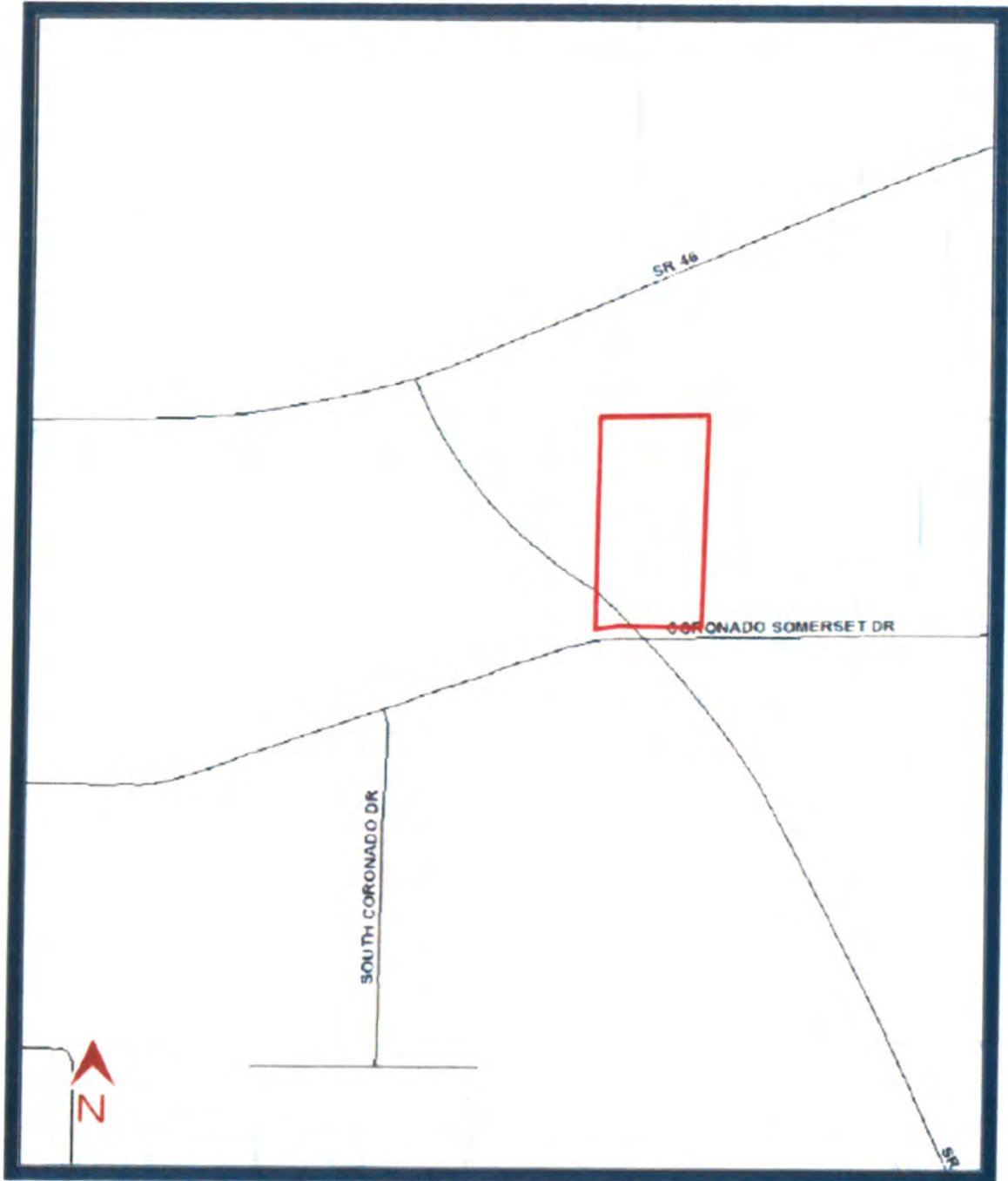
Attachments: Aerials and Photographs
Mediated Settlement Agreement
Invoices from Counsel for the Owners

cc: Sidney Calloway, Esq., Shutts & Bowen

SITE LOCATION MAP



TAX MAP

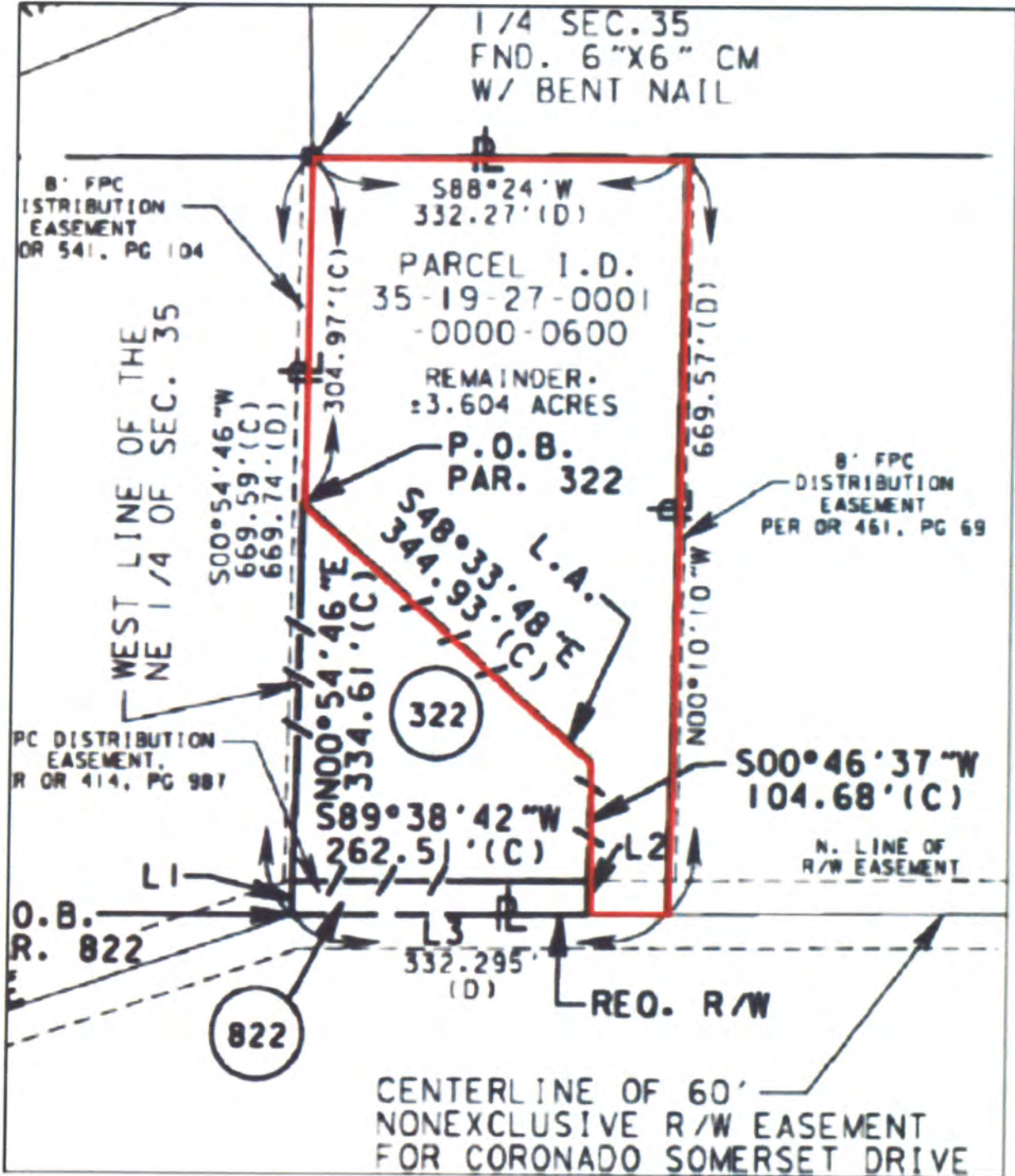


AERIAL PHOTOGRAPH





Wekiva Parkway - Section 429-206, Parcel 322 & Parcel 822
22521 Coronado Somerset Drive
Sorrento, Florida



FIFTH
IN THE CIRCUIT COURT OF THE ~~NINTH~~ JUDICIAL CIRCUIT
IN AND FOR ~~ORANGE~~ COUNTY, FLORIDA
LAKE

CENTRAL FLORIDA EXPRESSWAY AUTHORITY,
body politic and corporate, and an agency of the state
under the laws of the State of Florida,

CASE NO: 2015-CA-001237

Subdivision _____

Petitioner,

Parcel 322/822

vs.

CURTIS WAYNE MCNEIL,
_____, et. al.

Respondent(s).
_____ /

SETTLEMENT AGREEMENT

Respondent(s), CECIL A. BENTON and FRANKIE C. BENTON
and representatives of the Central Florida Expressway Authority reached the following
Settlement Agreement:

1. Petitioner will pay to Respondent(s), CECIL A BENTON and FRANKIE C BENTON
(referred to as "Respondent") the sum of TWO HUNDRED SEVENTY-NINE THOUSAND DOLLARS EXACTLY Dollars exactly (\$279,000.00), in full settlement of all claims for compensation from Petitioner whatsoever for the taking of Parcel 322/822, including statutory interest and all claims related to real estate and business damages, severance damages, tort damages, attorney's fees and litigation costs, expert witness fees, and costs. The settlement sum may be subject to claims of apportionment by any party in this case having a property interest in or a lien on the subject property. Petitioner previously deposited in the Registry of the Court Petitioner's good faith estimate in the amount of ONE HUNDRED NINE THOUSAND ONE HUNDRED Dollars (\$109,100.00). Within thirty days (30) days from the date of receipt by Petitioner's counsel of a conformed copy of the Stipulated Final Judgment, Petitioner will pay to Respondent, by deposit in the Registry of the Court the sum of ONE HUNDRED SIXTY-NINE THOUSAND NINE HUNDRED Dollars exactly (\$169,900.00), representing the difference between the total settlement sum referenced above and the Petitioner's previous deposit in this case.

2. This Settlement Agreement will be placed on the agenda for the Right of Way ("ROW") Committee and Central Florida Expressway Authority ("CFX") Board and is conditioned upon final approval by the ROW Committee and then the CFX Board.

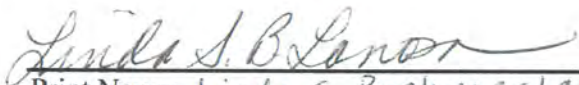
3. The parties agree to continue the trial of this matter pending review by the CFX ROW Committee and CFX Board.

4. The parties agree to waive any confidentiality provisions set forth in Chapter 44 of Florida Statutes, the Florida Rules of Civil Procedure, and the Florida Rules of Evidence, if applicable, for the limited purpose of consideration of this proposed Settlement Agreement by the ROW Committee and the CFX Board.

5. Counsel for Petitioner will submit to the Court a standard Motion for Stipulated Final Judgment containing the terms and conditions of this Settlement Agreement within fifteen (15) days from the date of approval of this Settlement Agreement by the CFX Board.

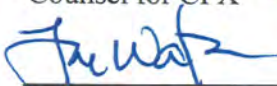
6. This Agreement resolves all claims whatsoever, including claims of compensation arising from the taking of Parcel 322/822, severance damages, business damages, tort damages, interest, attorney's fees, attorney's costs, expert fees, expert costs, and any other claim.

7. This Settlement Agreement, executed by the parties and their counsel on this 12th day of September, 2016, contains all the agreements of the parties.



Print Name: Linda S. Brehmer Lanes
Central Florida Expressway Authority


Print Name: SIDNEY C. CALLOWAY
Counsel for CFX


Print Name: Lawrence M. Watson
Mediator



Print Name: FRANKIE C. BENTON
Owner



Print Name: CECIL A. BENTON
Owner



Print Name: Edgar Lopez
Attorney for Owner

Calhoun, Dreggors & Associates, Inc.

• Real Estate Appraisers & Consultants •

August 29, 2016

Edgar Lopez, Esq.
c/o Harris Harris Bauerle Ziegler Lopez
1201 East Robinson Street
Orlando, FL 32801

RE: Owner: Benton
Project: Wekiva Parkway
Parcel No.: 322/822
County: Lake

INVOICE

Review CFX documents and appraisal report, review subject information, conferences with owner's representative, meeting with owners, review right-of-way plans, land sales research/analysis, meeting with contractor to review RCN analysis, improved sales research/analysis, inspection of sales, preparation of appraisal, meeting with owners to review.

LaBarre:	37.50 Hrs. x \$150/Hr. =	\$ 5,625
Abrams Schmidt:	36.75 Hrs. x \$175/Hr. =	6,431
Dreggors:	28.50 Hrs. x \$275/Hr. =	<u>7,837</u>
Total		\$19,893

Thank you,

Richard C. Dreggors, GAA
President

RCD/ddp

728 West Smith Street • Orlando, Florida 32804
Tel (407) 835-3395 • Fax (407) 835-3393

OWNER	BENTON	KIMBERLY LABARRE
PROJECT	WEKIVA PARKWAY	
PARCEL(S)	322/822	
COUNTY	LAKE	

DATE	TYPE OF SERVICE	HOURS
05/14/15	MEETING WITH RICK TO REVIEW OUR ASSIGNMENT.	0.75
07/08/15	BEGIN SALES RESEARCH.	4.25
07/13/15	CONTINUE SALES RESEARCH.	2.75
07/14/15	PREPARE FOR SITE INSPECTION.	0.50
07/15/15	INSPECT SUBJECT PROPERTY.	1.75
07/17/15	MET WITH RICK TO DISCUSS APPRAISAL ISSUES; CALLED CFX AND EXPRESSWAY AUTHORITY; RESEARCHING MAPS AND CONSTRUCTION PLANS.	0.75
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09/08/15	SPOKE TO SURVEYOR AND PREPARE DOCUMENTS TO OBTAIN FEE QUOTE; SENT INFORMATION TO OWNER'S REPRESENTATIVE.	0.25
09/22/15	MET WITH CONTRACTOR TO DISCUSS SUBJECT PROPERTY.	0.25
10/22/15	CONTINUE SALES RESEARCH; MEETING WITH RICK TO DISCUSS SCOPE OF WORK.	3.00
10/23/15	MEETING WITH RICK REVIEW SALES ANALYSIS; CONTINUE TO RESEARCH SALES RESEARCH.	1.75
10/27/15	VERIFY SALES; PREPARE SALE WRITE-UPS.	4.75
10/28/15	PREPARE TAKING ANALYSIS AND ANALYZING DAMAGES TO THE REMAINDER; CONTINUE TO VERIFY SALES.	3.50
10/29/15	PREPARE DIFFERENCES CHART; MEETING WITH RICK.	1.25
11/02/15	SPOKE TO OWNER REGARDING REMAINDER ISSUES; CALLED AND SPOKE TO LAKE COUNTY PLANNING AND ZONING REGARDING AFTER SITUATION; REVIEW PLANS AND CFX REPORTS.	3.25

OWNER	BENTON	KIMBERLY LABARRE
PROJECT	WEKIVA PARKWAY	
PARCEL(S)	322/822	
COUNTY	LAKE	

DATE	TYPE OF SERVICE	HOURS
11/04/15	✓ SPOKE TO ENGINEER REGARDING SEPTIC TANK ISSUE.	0.25
11/17/15	SENT E-MAIL TO ENGINEER REGARDING SEPTIC TANK AND SURVEY ISSUES.	0.50
11/30/15	SPOKE TO ENGINEER REGARDING LACK OF RIGHT-OF-WAY PLANS; REVIEW MAPS AND LAYOUT OF PROPOSED ROADWAY.	0.75
12/08/15	SPOKE TO ENGINEER REGARDING SEPTIC SYSTEM LOCATION.	0.25
01/25/16	SPOKE WITH ENGINEER REGARDING SEPTIC TANK; CONFERENCE CALL WITH OWNER'S REPRESENTATIVE; MET WITH RICK TO DISCUSS APPRAISAL ISSUES.	1.75
07/06/16	INSPECT SALES.	<u>3.75</u>
	TOTAL HOURS	37.50

OWNER	BENTON	COURTNEY ABRAMS
PROJECT	WEKIVA PARKWAY	
PARCEL(S)	322/822	
COUNTY	LAKE	

DATE	TYPE OF SERVICE	HOURS
03/09/15	REVIEW FILE/SUBJECT MATERIAL; REVIEW OF EXPRESSWAY'S APPRAISAL.	3.25
03/11/15	ANALYSIS OF EXPRESSWAY'S SALES.	2.25
03/12/15	REVIEW/ANALYSIS OF CONDEMNOR'S APPRAISAL AND SUBJECT MATERIAL.	1.50
03/13/15	RESEARCH/ANALYSIS OF CONDEMNOR'S SALES.	2.00
06/23/15	MEETING WITH RICK TO REVIEW SCOPE OF WORK; PREPARE FOR MEETING; RESEARCH CITY OF MOUNT DORA DOCUMENTS.	1.75
07/06/16	ANALYSIS OF SALES; ASSISTED WITH APPRAISAL; REVIEW OF UPDATED CONDEMNOR APPRAISAL.	4.50
07/07/16	ASSISTED WITH APPRAISAL; ANALYSIS OF SALES.	6.25
07/08/16	ASSISTED WITH APPRAISAL; MEETING WITH RICK TO DISCUSS SALES AND DAMAGES.	4.00
07/11/16	ASSISTED WITH APPRAISAL.	3.25
07/12/16	REVIEW OF ENGINEERING REPORT; ASSISTED WITH APPRAISAL.	3.00
07/13/16	MEETING WITH RICK TO REVIEW ANALYSIS; FINALIZE ADDENDA; CONFERENCE CALL WITH ENGINEER.	2.75
08/18/16	PREPARE FOR AND ATTEND MEETING WITH OWNERS AND EXPERTS.	<u>2.25</u>
	TOTAL HOURS	36.75

OWNER	BENTON	RICHARD C. DREGGORS, GAA
PROJECT	WEKIVA PARKWAY	
PARCEL(S)	322/822	
COUNTY	LAKE	

DATE	TYPE OF SERVICE	HOURS
03/04/15	REVIEW CFX DOCUMENTS AND APPRAISAL REPORT.	2.75
03/27/15	REVIEW INFORMATION FROM OWNER'S REPRESENTATIVE.	2.00
05/14/15	REVIEW INFORMATION ON SUBJECT; MEET WITH ASSOCIATE TO PREPARE FOR UPCOMING MEETING WITH OWNERS.	1.00
05/29/15	PREPARE FOR AND REVIEW DOCUMENTS; CONFERENCE WITH OWNER'S REPRESENTATIVE.	1.50
06/24/15	PREPARE FOR MEETING; REVIEW EXAMPLES OF CONVERTED HOMES ALONG STATE ROAD 46.	0.75
07/17/15	MEETING WITH ASSOCIATE TO REVIEW INFORMATION NEEDED.	0.25
09/02/15	ASSIST WITH SALES RESEARCH; ANALYSIS OF DATA.	1.00
09/03/15	PREPARE FOR AND CONFERENCE WITH OWNER'S REPRESENTATIVE TO REVIEW SCOPE OF REMAINING WORK; REVIEW WITH ASSOCIATE.	0.75
09/22/15	MEETING WITH CONTRACTOR TO REVIEW THE RCN ANALYSIS.	0.50
10/22/15	ASSIST WITH LAND SALES RESEARCH AND ANALYSIS; ASSIST WITH IMPROVED SALES RESEARCH OF HOMES; ANALYSIS OF SALES; REVIEW WITH ASSOCIATE.	4.25
10/23/15	MEETING WITH ASSOCIATE TO REVIEW SALES DATA AND VALUATION OF REMAINDER.	0.75
10/29/15	MEETING WITH ASSOCIATE TO REVIEW SUMMARY OF THE PROPERTY.	0.50
01/25/16	REVIEW VALUES WITH ASSOCIATE.	0.75
07/06/16	MEETING WITH ASSOCIATE TO REVIEW SALES; CONFERENCE WITH ENGINEER REGARDING ACCESS TO REMAINDER AND DEADLINES.	1.25
07/08/16	REVIEW/WRITE REPORT.	4.25
07/13/16	REVIEW/WRITE REPORT.	4.50

OWNER	BENTON	RICHARD C. DREGGORS, GAA
PROJECT	WEKIVA PARKWAY	
PARCEL(S)	322/822	
COUNTY	LAKE	

DATE	TYPE OF SERVICE	HOURS
08/18/16	ATTEND MEETING WITH OWNERS TO REVIEW OUR ANALYSIS.	<u>1.75</u>
	TOTAL HOURS	28.50

please make checks payable to:

m e i civil, LLC

964 Lake Baldwin Lane,, Suite 200

Orlando, FL 32814

407-893-6894

fax 407-893-6851

www.meicivil.com

bill to:

Edgar Lopez, Esquire
Harris, Harris, Bauerle, Zeigler and Lopez
1201 E. Robinson Street
Orlando, FL 32801

Invoice Date: 9/9/2016

Invoice Number: 47045H-1REV

Invoice Amount Due: **\$15,960.00**

JOB: SR 429, Parcel 322 / 822

Cecil & Frankie Benton

Engineering Analysis

Description	Hours	Rate	Fee	Total
Principal (DLM)	31.0	\$265.00	\$8,215.00	\$8,215.00
Senior Project Manager (KSH)	4.5	\$205.00	\$922.50	\$922.50
Senior Designer (JRR)	39.5	\$125.00	\$4,937.50	\$4,937.50
Designer (MP)	12.5	\$90.00	\$1,125.00	\$1,125.00
Subtotal				\$15,200.00
Expense (5%)				\$760.00
Total Fee Due				\$15,960.00

Payment Due Upon Settlement of Fees and Costs

Work Descriptions for Daniel L. Morris, P.E.

-47045h

Job Name SR429, 322/822, Cecil and Frankie Benton

<i>Date</i>	<i>Hours</i>	<i>Task</i>	<i>Work Description</i>
11/16/2015	2.0		review appraisal report and roadway construction plans
1/25/2016	3.0		review Health Department codes and estimated septic system cost
7/8/2016	5.5		review appraisal report and roadway construction plans
7/10/2016	4.5		coordinate exhibit preparation, analysis of impacts, preliminary engineering report
7/11/2016	6.5		coordinate exhibit preparation, analysis of impacts, preliminary engineering report
7/12/2016	5.5		finalize preliminary engineering report
7/13/2016	1.5		review CFX cost to cure estimates
8/18/2016	2.5		prepare for and attend meeting with property owners, experts and attorneys
<i>Total Hours:</i>	<i>31.0</i>		

Work Descriptions for Kevin S. Hebert, PE

-47045H

Job Name *SR 429 Sect 206, P322/822, Benton, Cecil & Frankie*

<i>Date</i>	<i>Hours</i>	<i>Work Description</i>
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12/2/2015	4.5	Prep and attend site visit, improvement locates, photographs
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Total Hours: *4.5*

Work Descriptions for John R. Russell

047045

Job Name *Wekiva Parkway P322 Cecil Benton*

<i>Date</i>	<i>Hours</i>	<i>Task</i>	<i>Work Description</i>
7/7/2016	2.0		Download & Review FDOT Roadway Plans
7/7/2016	4.0		Draft FDOT Roadway Plans - RW; Edge of Pvm'ts & Retaining Walls
7/7/2016	2.0		Download & Review Appraisal Report
7/8/2016	5.0		Proposed Right of Way & Roadway BaseLine
7/8/2016	2.0		USGS, Site Aerial, FEMA & Location Map Exhibits
7/8/2016	2.0		Existing Conditions & Boundary
7/9/2016	6.0		Draft Proposed Roadway Plans - Road & Bridge
7/10/2016	3.0		UnCured Remainder Exhibit
7/10/2016	6.0		Draft Proposed Roadway Plans - Road & Bridge
7/11/2016	3.0		Area of Take Exhibit
7/11/2016	1.0		SetUp & Print Exhibits
7/11/2016	2.0		Before Conditions Exhibit
7/11/2016	1.5		Update & Plot Final Exhibits per Engineer Comments
<i>Total Hours:</i>	<i>39.5</i>		

Work Descriptions for Mitchell Pentecost

-47045H

Job Name *SR429, P322/822, Benton, Cecil. & Frankie*

<i>Date</i>	<i>Hours</i>	<i>Work Description</i>
11/16/2015	0.5	Setup physical job folder
11/17/2015	1.0	Begin work on before conditions/AOT to locate septic system
11/19/2015	4.0	Begin work on before conditions/AOT to locate septic system
12/2/2015	4.0	Site visit, layout taking and probe for septic tank/drain field. Take measurements of tank/df and locate to fixed points
12/3/2015	2.0	Sketch points taken yesterday to show septic/drainfield on aerial in taking.
12/8/2015	1.0	Tweak sketches for plot.

Total Hours: *12.5*

Tab M

CENTRAL FLORIDA EXPRESSWAY AUTHORITY

MEMORANDUM

TO: Right of Way Committee Members

FROM: Linda S. Brehmer Lanosa, Deputy General Counsel *Linda Lanosa*

DATE: September 22, 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

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

We respectfully request the Committee's recommendation for Board approval of 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.

Attachments: A - List of Proposed Actions
B - Joint Motion for Stipulated Final Judgment.

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.

EXHIBIT A

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;
Mimi.Lamaute@cfxway.com;
Counsel for Petitioner



C. MICHAEL DUNCAN, ESQ.
1018 Belmont Circle
Tavares, FL 32778
Phone: (352) 742-1909
FAX: (866) 856-4379
duncanlawofficespa@gmail.com
Attorney for Lake County Fruit Corporation

Dated: _____, 2016

EXHIBIT B

CERTIFICATE OF SERVICE

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

ROBERT Q. WILLIAMS, ESQ.
rqw@wssattorneys.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,

Judge Davis

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@wssattorneys.com
Williams, Smith & Summers, P.A.
380 W. Alfred Street
Tavares, FL 32778
*Attorneys for Respondent,
Bob McKee, Lake County Tax Collector*

Judicial Assistant / Attorney

**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, run North 26°20'19" West, a distance of 22.46 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 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.

**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.

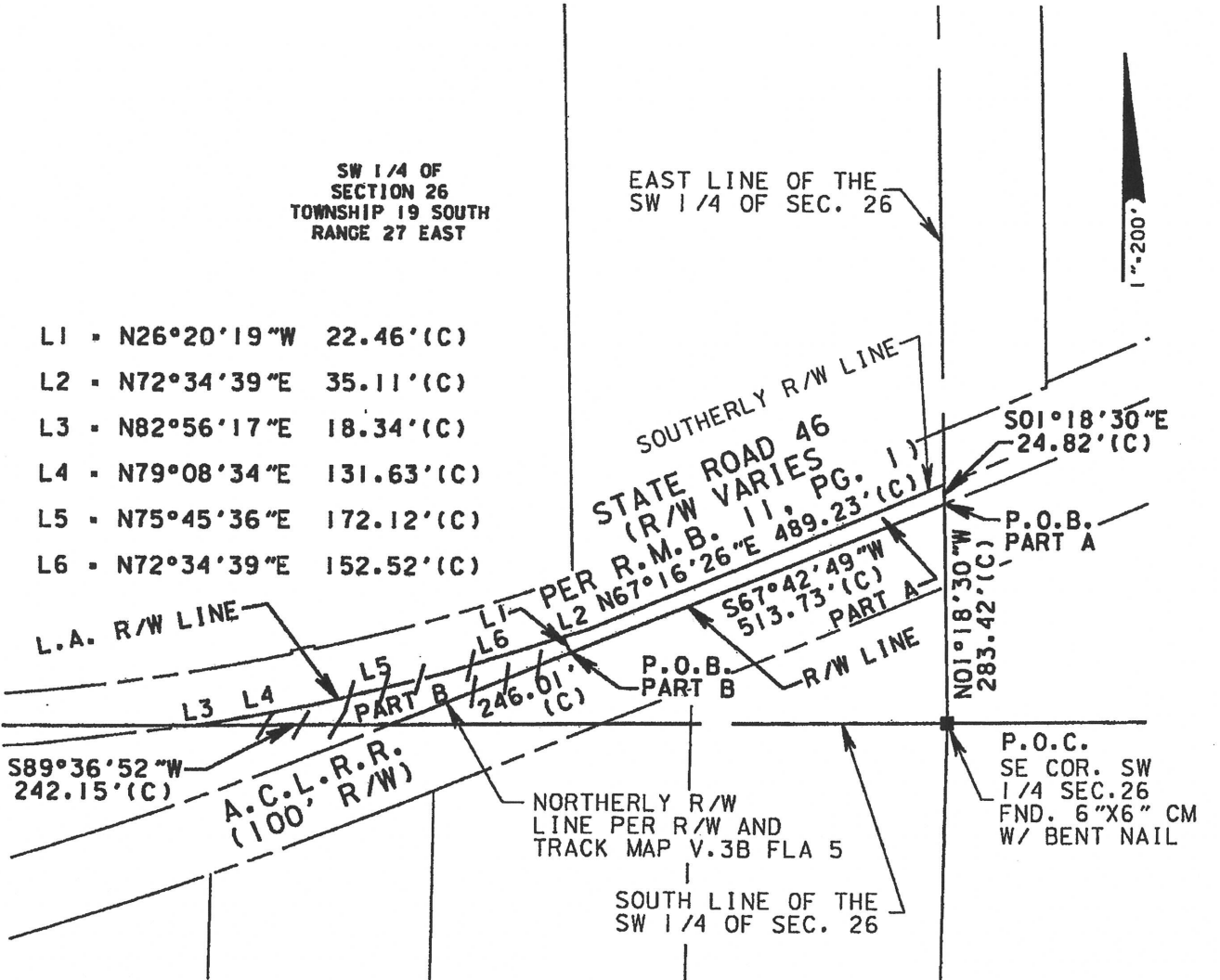
Containing 0.304 acres (13,238 square feet), more or less.

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.


PARCEL: 331
SECTION 26
TOWNSHIP 19 SOUTH
RANGE 27 EAST

SW 1/4 OF SECTION 26
TOWNSHIP 19 SOUTH
RANGE 27 EAST

- L1 - N26°20'19"W 22.46'(C)
- L2 - N72°34'39"E 35.11'(C)
- L3 - N82°56'17"E 18.34'(C)
- L4 - N79°08'34"E 131.63'(C)
- L5 - N75°45'36"E 172.12'(C)
- L6 - N72°34'39"E 152.52'(C)



SEE SHEETS 1 AND 2 OF 4 FOR LEGAL DESCRIPTION
SEE SHEET 4 OF 4 FOR NOTES AND LEGEND
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 3 OF 4		DATE: 06/27/14	
		REVISE LEGAL		ALQ		SCALE: 1" = 200'	
		PER COMMENTS		CWW		CHECKED: ALQ	
REVISION		BY		DATE		DRAWN: BJP	
						SKETCH PREPARED BY  DRMP SURVEYORS • PLANNERS • ARCHITECTS 941 LAKE BALDWIN LANE ORLANDO, FLORIDA 32814 (407) 896-0594 L.B. No. 2648	

PARCEL: 331

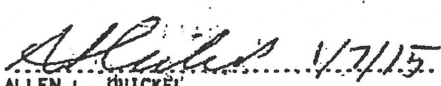

NOTES:

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

SEE SHEET 3 OF 4 FOR SKETCH OF DESCRIPTION

RIGHT OF WAY PARCEL SKETCH	STATE ROAD 453 (WEKIVA PARKWAY)	CENTRAL FLORIDA EXPRESSWAY AUTHORITY	SECTION 429-206 (2C)
 ALLEN L. QUICKEL FLORIDA REGISTERED LAND SURVEYOR NO. 6481 (NOT VALID UNLESS SIGNED AND SEALED)	DRMP PROJECT NO. 12-0150.000	SHEET 4 OF 4	DATE: 06/27/14
	REVISE LEGAL	ALO	1/15
	PER COMMENTS	CWV	9/14
	REVISION	BY	DATE
		SCALE: 1" = 200'	CHECKED: ALO
		DRAWN: BJP	SKETCH PREPARED BY  DRMP ENGINEERS - SURVEYORS - PLANNERS - SCIENTISTS 941 LAKE BALDWIN LANE ORLANDO, FLORIDA 32814 (407) 896-0594 L.B. No. 2648

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

PARCEL 332

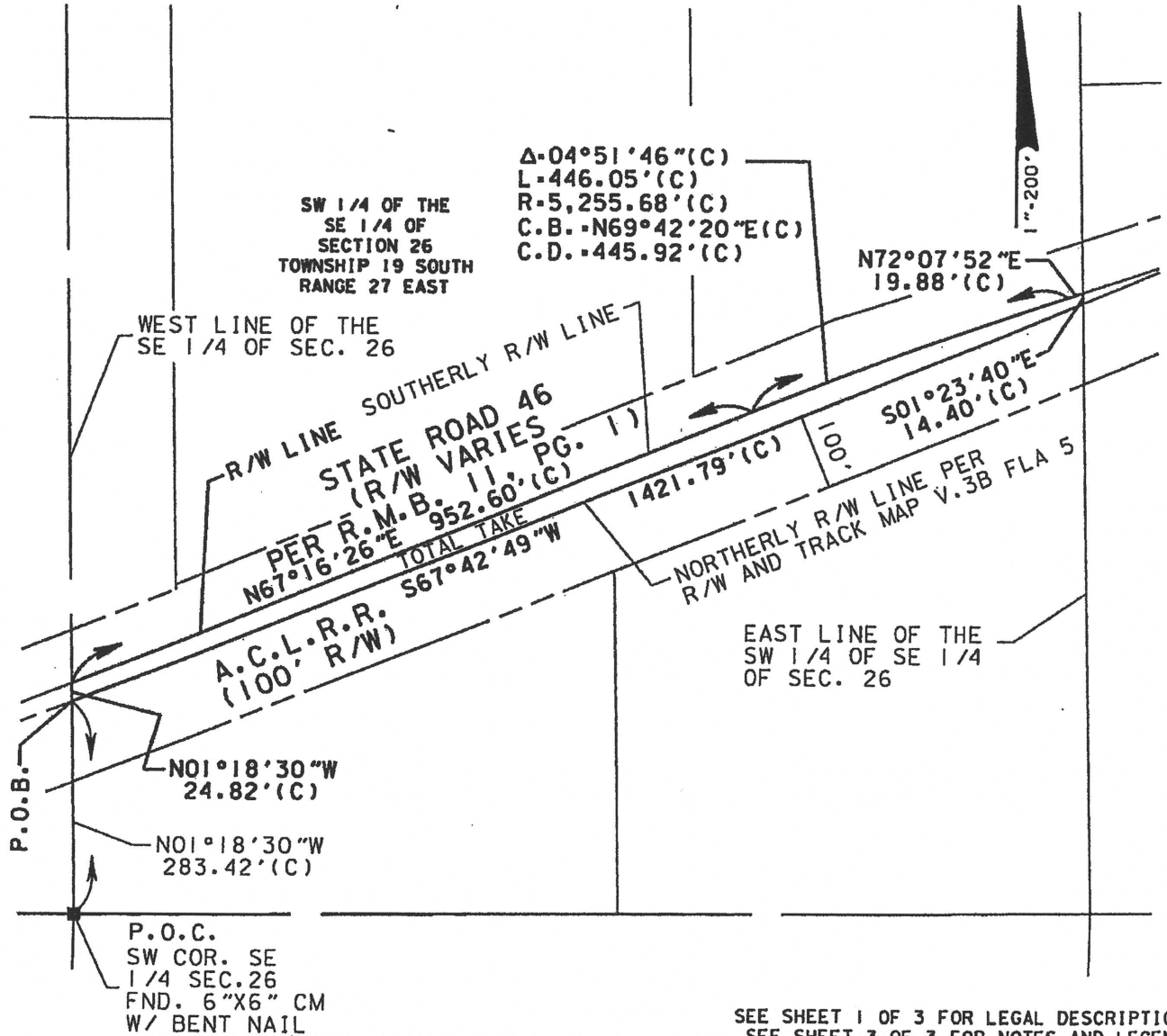
**PURPOSE: RIGHT OF WAY
(ESTATE: FEE SIMPLE)**

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 Rail 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.

PARCEL: 332
SECTION 26
TOWNSHIP 19 SOUTH
RANGE 27 EAST



SEE SHEET 1 OF 3 FOR LEGAL DESCRIPTION
SEE SHEET 3 OF 3 FOR NOTES AND LEGEND
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: 06/23/14	
		REVISE LEGAL		ALO		SCALE: 1" = 200'	
		TOTAL TAKE		CWW		CHECKED: ALO	
		PER COMMENTS		CWW		DRAWN: BJP	
REVISION	BY	DATE	REVISION	BY	DATE	SKETCH PREPARED BY  DRMP <small>ENGINEERS • SURVEYORS • PLANNERS • SCIENTISTS</small> 941 LAKE BALDWIN LANE ORLANDO, FLORIDA 32814 (407) 896-0594 L.B. No. 2648	

PARCEL: 332

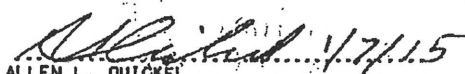

NOTES:

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.
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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 | M.B. = MAP BOOK |
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| IP = IRON PIPE | R/W = RIGHT-OF-WAY |
| L = ARC LENGTH | SEC. = SECTION |
| L.B. = LICENSED BUSINESS | Δ = CENTRAL ANGLE |

SEE SHEET 2 OF 3 FOR SKETCH OF DESCRIPTION

RIGHT OF WAY PARCEL SKETCH	STATE ROAD 453 (WEKIVA PARKWAY)	CENTRAL FLORIDA EXPRESSWAY AUTHORITY	SECTION 429-206 (2C)															
 ALLEN L. QUICKEL FLORIDA REGISTERED LAND SURVEYOR NO. 6481 (NOT VALID UNLESS SIGNED AND SEALED)	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="font-size: small;">DRMP PROJECT NO. 12-0150.000</td> <td style="font-size: small;">SHEET 3 OF 3</td> <td style="font-size: small;">DATE: 06/23/14</td> </tr> <tr> <td style="font-size: small;">REVISE LEGAL</td> <td style="font-size: small;">ALQ 1/15</td> <td style="font-size: small;">SCALE: 1" = 200'</td> </tr> <tr> <td style="font-size: small;">TOTAL TAKE</td> <td style="font-size: small;">CWW 11/14</td> <td style="font-size: small;">CHECKED: ALQ</td> </tr> <tr> <td style="font-size: small;">PER COMMENTS</td> <td style="font-size: small;">CWW 9/14</td> <td style="font-size: small;">DRAWN: BJP</td> </tr> <tr> <td style="font-size: small;">REVISION</td> <td style="font-size: small;">BY</td> <td style="font-size: small;">DATE</td> </tr> </table>	DRMP PROJECT NO. 12-0150.000	SHEET 3 OF 3	DATE: 06/23/14	REVISE LEGAL	ALQ 1/15	SCALE: 1" = 200'	TOTAL TAKE	CWW 11/14	CHECKED: ALQ	PER COMMENTS	CWW 9/14	DRAWN: BJP	REVISION	BY	DATE	SKETCH PREPARED BY  DRMP <small>ENGINEERS • SURVEYORS • PLANNERS • SCIENTISTS</small> 941 LAKE BALDWIN LANE ORLANDO, FLORIDA 32814 (407) 896-0594 L.B. No. 2648	
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TOTAL TAKE	CWW 11/14	CHECKED: ALQ																
PER COMMENTS	CWW 9/14	DRAWN: BJP																
REVISION	BY	DATE																

Tab N

Mimi Mederos-Lamaute

From: Lynch, Brendan <Brendan.Lynch@lowndes-law.com>
Sent: Thursday, September 15, 2016 3:13 PM
To: Joe Passiatore; Linda Lanosa
Cc: Spoonhour, James
Subject: CFX/Project Orlando: Agenda item for not-to-exceed budget for 9/28 ROW meeting

Joe and Linda: You have requested a not-to-exceed budget for Parcel 197/897 moving forward. Please include on the 9/28 agenda a line item to indicate a not-to-exceed budget of \$890,000 for all matters related to 197/897, except for the potential for a re-trial granted by any Court.

This number also does not include expert fees, court reporter fees, transcript costs, etc.

This not-to-exceed number **does** cover the 7-day trial scheduled for March 2017, as well as all hearings, apportionment matters, and appeals, if any.

We believe that we will likely come well under this number, particularly if there are no appeals.

This number does not include parcels 230/257/267, although we can provide a separate number at this point if you need it.

Please let Jim and me know of any questions. We will be at the ROW Committee meeting on 9/28.

Brendan
407-418-6461

S. Brendan Lynch ([Bio](#))

Lowndes, Drosdick, Doster, Kantor & Reed, P.A.
215 N. Eola Dr.
Orlando, FL 32801
(407) 418-6461 - Direct
(407) 843-4600 - Office
(407) 843-4444 - Fax
brendan.lynch@lowndes-law.com
www.Lowndes-Law.com

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Replies Filtered: Any incoming reply to this e-mail communication or other e-mail communication to us will be electronically filtered for "spam" and/or "viruses." That filtering process may result in such reply or other e-mail communications to us being quarantined (i.e., potentially not received at our site at all) and/or delayed in reaching us. For that reason, we cannot guarantee that we will receive your reply or other e-mail communications to us and/or that we will receive the same in a timely manner. Accordingly, you should consider sending communications to us which are particularly important or time-sensitive by means other than e-mail.

— CENTRAL FLORIDA EXPRESSWAY AUTHORITY —

November 12, 2015

Mr. James M. Spoonhour
Lowndes, Drosdick, Doster, Kantor & Reed, P.A.
215 North Eola Drive
Orlando, Florida 32801

Re: Acquisition of Parcel 197, 230, 257 and 267
Project 429-203 (Project Orlando, LLC)
Contract No. 000929; Project No. 429-203

Dear Mr. Spoonhour:

This letter will serve as confirmation of an increase in the fees to be paid to your firm under the referenced contract in the amount of \$333,000.00 making the new not-to-exceed Contract amount \$792,000.00. The term is also extended to December 31, 2016. All other terms and conditions of the Contract and any additions or amendments thereto remain in effect.

This increase was approved by our Board at its meeting on November 12, 2015. If you have any questions with regard to this matter you can contact me at 407-690-5371.

Sincerely,

CENTRAL FLORIDA EXPRESSWAY AUTHORITY



Claude Miller
Director of Procurement

cc: Joe Passiatore, General Counsel
Contract File



K000929

ORLANDO - ORANGE COUNTY

4974 ORL TOWER RD., ORLANDO, FLORIDA 32807
TELEPHONE (407) 690-5000 • FAX (407) 690-5011 • WWW.OOCEA.COM

October 16, 2012

James M. Spoonhour
Lowndes, Drosdick, Doster, Kantor & Reed, P.A.
215 North Eola Avenue
Orlando, FL 32801

Re: Acquisition of Parcel 197, Project 429-203 (Project Orlando, LLC)

Dear Mr. Spoonhour:

This letter sets forth the terms of engagement of you and the law firm of Lowndes, Drosdick, Doster, Kantor & Reed, P.A. to serve as lead legal counsel to the Orlando-Orange County Expressway Authority ("OOCEA") regarding the negotiated acquisition of Parcel 197, Project 429-203 owned by Project Orlando, LLC.

The scope of those services to be provided by you, the basis upon which you will be compensated therefore, and the other terms of the engagement are as follows:

I. SCOPE OF SERVICES

You will serve as lead legal counsel to OOCEA to render legal services regarding the above referenced matter.

It is understood that the General Counsel and Assistant General Counsel are designated as the representatives of the OOCEA pursuant to this agreement. All communications pertaining to the work performed hereunder shall be addressed to Dyana Petro, Assistant General Counsel, or her designee, 4974 ORL Tower Road, Orlando, Florida 32807, telephone number (407) 690-5382.

II. COMPENSATION FOR SERVICES RENDERED

Your fees for services rendered in connection with the above referenced case shall be calculated on an hourly basis by multiplying the actual and reasonable time spent by attorneys and paralegals by the following hourly rates:

WALTER A. KETCHAM, JR.
Chairman

R. SCOTT BATTERSON, P.E.
Vice Chairman

TERESA JACOBS
Secretary/Treasurer
Ex Officio Board Member
Orange County

TANYA J. WILDER
Board Member

NORANNE B. DOWNS, P.E.
Ex Officio Board Member
Florida Department of
Transportation

MAX D. CRUMIT, P.E.
Interim Executive Director

Shareholder Attorney	\$275.00 per hour
Associate Attorney	\$200.00 per hour
Paralegal	\$ 90.00 per hour

Fees paid under this engagement shall not exceed \$45,000. If and when actual billings reach \$37,500, counsel shall notify OOCEA so potential contract addendums can be discussed and prepared at that time. Any other type of billing or time keeping which allows compensation for time not actually spent by you, such as any type of multiplier or unit billings, is not permitted. Therefore, it will be a material breach of these terms of engagement for you to submit for payment any statement for services rendered which either (i) overstates the amount of time actually spent by a member or employee of your firm pursuant to this engagement letter, or (ii) includes time spent by any person other than a shareholder, associate lawyer, or paralegal affiliated with your firm.

OOCEA will not provide a retainer. Furthermore, there shall be no increase in the rates or fee cap set forth above without prior written approval of the OOCEA General Counsel.

III. COST REIMBURSEMENT

Your firm will be reimbursed for necessary travel expenses, but only pursuant to Section 112.061, Florida Statutes.

Your firm will also be reimbursed for the following out-of-pocket expenses, but only at cost and only to the extent they are incurred directly in connection with the scope of services described in this letter: court reporters, deposition transcripts, exhibits.

Your firm will also be reimbursed for monthly computer research charges, provided that such costs are documented and provided that if such monthly amount is anticipated to exceed \$400, that the firm will first obtain permission from the OOCEA General Counsel to exceed such amount.

Your firm will not be reimbursed for expenses such as telecopy, local telephone, internal word processing, data processing, courier or other service that would be deemed to be part of your firm's overhead expenses. However, your firm will notify the OOCEA General Counsel of any large copy and print jobs in order for a determination to be made as to how the copying will be handled and expensed.

Express written approval of the OOCEA General Counsel is required before incurring extraordinary expenses such as the retention of consultants or experts or out-of-state travel.

IV. PAYMENT

You will submit statements of your fees each month for services rendered and costs incurred. Statements should be delivered to the OOCEA Assistant General Counsel.

These statements should, to the greatest extent possible, provide detailed descriptions of the legal services rendered, including the individual tasks performed, the attorney who performed the services, the date performed and the time spent on each task.

The portion of the statement setting forth out-of-pocket costs to be reimbursed shall contain an itemization of all such costs and receipts, if applicable.

Statements will be paid within 30 days of receipt by the OOCEA General Counsel unless there is a dispute or question, in which case the undisputed portion will be paid within the 45-day period.

V. TIME FRAME AND TERMINATION

The term of this agreement is for one year from the date of execution. Your firm shall be paid for services rendered during that period. This Agreement shall be deemed to have expired upon written notice from the Assistant General Counsel that all services are complete.

VI. TERMINATION FOR CONVENIENCE

You will serve under this engagement letter at the pleasure of the OOCEA and the engagement may be terminated at any time, with or without cause, without penalty. If terminated, you will be paid for all services rendered and costs incurred to the date of termination and subject to the conditions set forth above.

VII. REPRESENTATION, COVENANTS AND WARRANTIES

By executing this engagement letter, you represent, covenant, and warrant to OOCEA as follows:

- A. You have experience and expertise in eminent domain as it pertains to the valuation and acquisition of property by a condemning authority;
- B. Other than as already disclosed, the firm is not representing and will not represent, without prior written approval from OOCEA during the period of this engagement letter any client in any judicial or administrative proceeding in which OOCEA is an adverse party;
- C. The firm does not represent either of the parties who are defendants in this matter;
- D. The firm has not represented, is not representing, or will not represent any clients if such representation has violated, violates or will violate traditional ethical standards imposed by the rules governing conflicts or interest as are embodied in the Rules Regulating the Florida Bar, especially Rule 4-1.7;
- E. The firm will advise the OOCEA Assistant General Counsel immediately if representation of another client could adversely affect the judgment or quality of service to be rendered by the firm in its representation of OOCEA and/or result in a material or direct conflict of interest; and
- F. You have sufficient time to execute and fulfill the duties contemplated by this engagement and are not burdened by professional responsibilities or workload or by personal or other constraints that would interfere in any material respect with the firm's obligations hereunder.

VIII. MISCELLANEOUS

A. Assignment. As stated above, the services to be rendered under this engagement letter are personal and may not be assigned, either directly or indirectly, to any other person or firm.

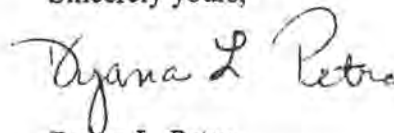
B. Amendments. This engagement letter may be amended only by written instrument signed by the firm, and OOCEA.

C. Independent Contract Status. You are an independent contractor in the performance of legal services hereunder. You shall not hold yourself out as an employee, agent, or servant of OOCEA. You do not have the power or authority to bind OOCEA in any settlement promise, agreement or representation other than as may be expressly provided in this engagement letter.

James Spoonhour
October 16, 2012
Page 5

Your acceptance of the terms of this agreement is to be evidenced below.
This engagement letter shall not take effect, and neither you nor OOCEA shall be bound
hereby, unless and until this letter is signed by you and OOCEA.

Sincerely yours,


A handwritten signature in cursive script that reads "Dyana L. Petro". The signature is written in black ink and is positioned above the printed name.

Dyana L. Petro
Assistant General Counsel


DLP/mm

James Spoonhour
October 16, 2012
Page 6

ORLANDO-ORANGE COUNTY EXPRESSWAY AUTHORITY,
an agency of the State of Florida

By: 
Claude Miller
Procurement Director

The terms and conditions hereof are accepted, and the representations, covenants,
and warranties herein are confirmed.


for James M. Spoonhour
Lowndes, Drosdick, Doster,
Kantor & Reed, P.A.
215 North Eola Avenue
Orlando, FL 32801

Date: 10-17-12

RECEIVED
CONTRACTS DEPT
10/23/12
SIGNATURE / DATE

Request for Taxpayer Identification Number and Certification

Give form to the
requester. Do not
send to the IRS.

Print or type
See Specific Instructions on page 2.

Name (as shown on your income tax return) Lowndes, Drosdick, Doster, Kantor & Reed, P.A.	
Business name/disregard entity name, if different from above	
Check appropriate box for federal classification: <input type="checkbox"/> Individual/sole proprietor <input checked="" type="checkbox"/> C Corporation <input type="checkbox"/> S Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Trust/estate <input type="checkbox"/> Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=partnership) ▶ ----- <input type="checkbox"/> Other (see instructions) ▶	
<input type="checkbox"/> Exempt payee	
Address (number, street and apt. or suite no.) 215 North Eola Drive	Requester's name and address (optional)
City, state, and ZIP code Orlando, FL 32802	
List account number(s) here (optional)	

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on the "Name" line to avoid backup withholding. For individuals, this is your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the Part I instructions on page 3. For other entities, it is your employer indemnification number (EIN). If you do not have a number, see *How to get a TIN on page 3*.

Note: If the account is in more than one name, see the chart on page 2 for guidelines on whose number to enter.

Social Security Number									
Employer identification number									
5	9		1	2	7	6	1	1	8

Part II Certification

Under penalties of perjury, I certify that:

1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me), and
2. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding, and
3. I am a U.S. citizen or other U.S. person (defined below).

Certification Instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions on page 4.

Sign Here Signature of U.S. person

Date ▶ February 3, 2012

General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Purpose of Form

A person who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) to report, for example, income paid to you, real estate transactions, mortgage interest you paid, acquisition or abandonment of secured property, cancellation of debt, or contributions you made to an IRA.

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN to the person requesting it (the requester) and, when applicable, to:

1. Certify that the TIN you are giving is correct (or you are waiting for a number to be issued),
2. Certify that you are not subject to backup withholding, or
3. Claim exemption from backup withholding if you are a U.S. exempt payee. If applicable, you are also certifying that as a U.S. person, your allocable share of any partnership income from a U.S. trade or business is not subject to the withholding tax on foreign partners' share of effectively connected income.

Note: If a requester gives you a form other than Form W-9 to request your TIN, you must use the requester's form if it is substantially similar to this Form W-9.


Definition of a U.S. person. For federal tax purposes, you are considered a U.S. person if you are:


- An individual who is a U.S. citizen or U.S. resident alien,
- A partnership, corporation, company, or association created or organized in the United States or under the laws of the United States,
- An estate (other than a foreign estate), or
- A domestic trust (as defined in Regulations section 301.7701-7).

Special rules for partnerships. Partnerships that conduct a trade or business in the United States are generally required to pay a withholding tax on any foreign partners' share of income from such business. Further, in certain cases where a Form W-9 has not been received, a partnership is required to presume that a partner is a foreign person, and pay the withholding tax. Therefore, if you are a U.S. person that is a partner in a partnership conducting a trade or business in the United States, provide Form W-9 to the partnership to establish your U.S. status and avoid withholding on your share of partnership income.

MEMORANDUM

TO: Central Florida Expressway Authority Right of Way Committee
Laura Kelley, Executive Director

FROM:  Joseph L. Passiatore, General Counsel

DATE:  September 23, 2016

SUBJECT: Parcels 197/897, 230, 257 and 267

Contract 000929 for right of way legal counsel services with Lowndes, Drosdick, Doster, Kantor & Reed, P.A. (“LDDKR”) for condemnation representation for the above parcels is set to expire on December 31, 2016 and there is currently a balance of \$5,015.79 left in the contract.

All of the above parcels have been acquired through orders of taking, but valuation trials remain outstanding. Parcels 197/897 are scheduled for trial during the March 27, 2017 period. Parcels 230, 257 and 267 are not currently set for trial.

LDDKR has submitted a cost proposal with a not to exceed budget of \$890,000 for the trial and appeals of parcels 197/897.

In order to provide a basis of comparison, our office solicited a proposal from Mateer Harbert, P.A. for a cost estimate for trial and appeal of these parcels. That estimate is included in your meeting materials. Mateer Harbert is currently under contract with CFX for legal work on the super corridor and such other assignments as are authorized.

RECOMMENDATION:

Our office recommends assigning the trial of these parcels to Mateer Harbert, P.A. and issuance of a task authorization for the \$325,750.00 amount stated in their September 23, 2016 cost estimate. Further, we anticipate bringing a supplemental amendment to the Committee for approval of sufficient funding for LDDKR to provide transition legal services through the end of the 2016 calendar year.

JLP/ml
Attachment

cc: Jay Small, Esquire
Jim Spoonhour, Esquire
Brendan Lynch, Esquire
Aneth Williams, Procurement Director

MATEER HARBERT, P.A.
225 East Robinson Street, Ste. 600
Orlando, Florida 32801
Telephone (407) 425-9044
Facsimile (407) 423-2016

MEMORANDUM

TO: Central Florida Expressway Authority Right of Way Committee

FROM: Jay W. Small, Right of Way Counsel
Mateer Harbert, P.A.



DATE: September 23, 2016

RE: Project Orlando, LLC; Litigation Cost Estimate

This memorandum provides a litigation cost estimate for Mateer & Harbert, P.A. (the "Firm") taking over as trial counsel for the Central Florida Expressway Authority ("CFX") through trial and an appeal of the condemnation case involving Project Orlando, LLC. The parcels condemned by CFX include Parcels 197 (A, B, C and D) and Parcel 897 which I understand are set for trial in March, 2017. This estimate focuses primarily on those parcels set for trial in March, 2017.

In preparing this estimate, the fees and costs would be paid to the firm under the terms of the Firm's response to the Request for Professional Services ("Response") and CFX and the Firm's Agreement for Right of Way Counsel Services, Contract No.: 001116, dated June 11, 2015 ("Contract"). Under the Response and Contract, the Firm has billed CFX approximately \$145,000.00, for work related to the acquisition of right of way for the multimodal supercorridor adjacent to the Beachline Expressway. There remains approximately \$780,000.00 under the Contract.

After preliminarily reviewing the appraisals for the remaining parcels included in this suit, it would be the Firm's expectation that those parcels could be litigated for the balance remaining on the Firm's Contract. After conducting a more detailed review of the remaining parcels, the Firm will supplement this cost estimate.

The property consists of approximately 102± acres and is an abbreviated parent tract from the larger Kelly Park Crossing DRI. The area of the taking of Parcels 197 (A, B, C and D) is 43.746 acres. The area of the taking of Parcel 897, a perpetual easement, is 15,446 sq.ft. CFX's appraiser estimated the value of the taking of Parcels 197 and 897 as follows:

Total Land Taking	\$9,568,600.00
Damages	\$2,161,400.00
Total	\$11,730,000.00

Project Orlando, LLC's appraiser estimated the value of the taking as follows:

Total Land Taking	\$15,590,027.00
Damages	\$15,756,254.00
Total	\$31,346,281.00

Attached is a cost estimate. In preparing this estimate, we have not had an opportunity to consult with CFX's current eminent domain counsel. The parties' appraisal and expert witness reports are voluminous and require a comprehensive knowledge of the terms of the Kelly Park Crossing December 21, 2011 Development Order, and various land use planning documents and ordinances promulgated by the City of Apopka. We have not had an opportunity to review these materials since requested to prepare this estimate last week. Nor have we reviewed any of the discovery materials, including deposition transcripts, obtained by the parties to date, or CFX's construction plans or right of way maps. The estimate will likely be subject to revisions as additional information becomes available from sources like these.

Given the limited documents and information available to me at the time of making this estimate, we have tried therefore to provide a "worst case" scenario estimate. Based on our general knowledge of the case, the dollar amount involved, and the experience of opposing counsel, the trial will require the involvement of at least two (2) partner level lawyers. Pursuant to the Court's order, a seven (7) day jury trial has been set for March 27, 2017. Billing rates of \$250/hour per the Firm's Contract were used to prepare this estimate. To the extent necessary and when feasible, research assignments will be delegated to associate level attorneys with hourly rates lower than \$250/hour. Paralegal time is also factored into the estimate.

The Firm is committed to delivering efficient and cost effective legal services to CFX and containing litigation costs. The Firm's practice has been, and will continue to be, to staff cases appropriately. Without prior CFX approval, the Firm will not bill CFX for more than one attorney to prepare for and attend depositions. It will not bill CFX for multiple attorneys to attend hearings or mediation. It will not bill for joint attorney conferences or meetings. The Firm has implemented these practices as part of its Contract with CFX.

The following attorneys and paralegals will be assigned to this project:

Jay W. Small, Esq., Shareholder;
James R. Lussier, Esq., Shareholder;
Kurt H. Garber, Esq., Partner;
Leslie A. Evans, Esq., Associate;
Matthew J. Brown, Esq., Associate;
Jennifer De La Garza, Paralegal; and
Deanna Malinowski, Paralegal.

Jay W. Small and James R. Lussier will be the attorneys primarily responsible for the representation.

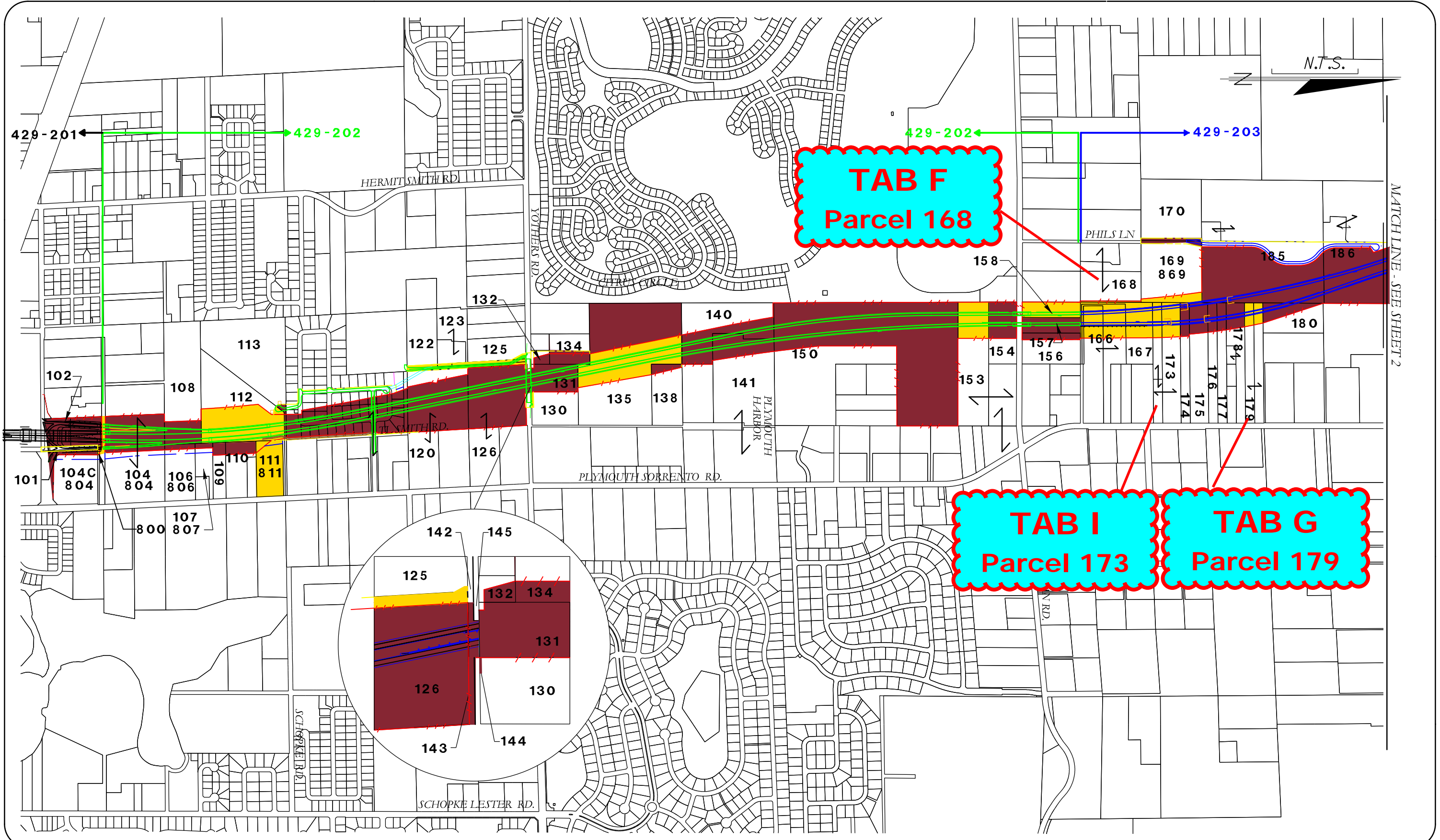
The Firm understands that CFX will consider whether its best interests would be best served by having its current eminent domain counsel continue the representation. Strategic decisions regarding the size of the abbreviated parent tract and the terms of Parcel 897 have been made. Discovery, including depositions, has already occurred. CFX's current eminent domain counsel has undoubtedly taken depositions and framed questions to advance specific trial strategies. The Ninth Judicial Circuit's Administrative Guidelines and Rules anticipate that witnesses be deposed only once, so there may not be an opportunity to re-depose witnesses. Given the foregoing, the Firm certainly understands if CFX concludes that its existing counsel is in a better position to achieve a positive outcome at trial given their familiarity with the legal issues, the discovery, and factual considerations.

Attachment

1. Cost Estimate.

CFX v. Project Orlando, LLC
Case No: 2014-CA-005589-O
Parcel 197/897
Litigation Cost Estimate

	Task	Hours	Fees
1	File Review and Factual Investigation	200	
2	Discovery and Preparation for Discovery	100 - 150	
3	Pre-Trial Hearings and Preparation	50 - 75	
4	Witness Meetings	25 - 50	
5	Trial Preparation and Trial	250	
6	Post-Trial - Apportionment	50 - 75	
7	Subtotal Hours (\$250/Hour)	675 - 800	\$168,750.00 - \$200,000.00
8	Paralegal Trial Support	150-175	\$13,500.00 - \$15,750.00
9	Appellate Fees		\$30,000.00 - \$45,000.00
10	Sum of Items 7, 8, and 9		\$212,250.00- \$260,750.00
11	25% Contingency (R)		\$53,000.00 - \$65,000.00
12	Total Fees; Sum of Items 10 and 11		\$265,250.00 - \$325,750.00



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 AUTHORITY

WEKIVA PARKWAY

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- ACQUIRED/PENDING FEES & COSTS

RIGHT-OF-WAY EXHIBIT
 September 28, 2016
 SUBJECT TO CHANGE

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TAB J
Parcel 301
continued on sheet 4

TAB B
Parcel 251

TAB H
Parcel 242

TAB C
Parcel 258

MATCHLINE - SEE SHEET 1

MATCHLINE - SEE SHEET 4

FOR CONTINUATION - SEE SHEET 3

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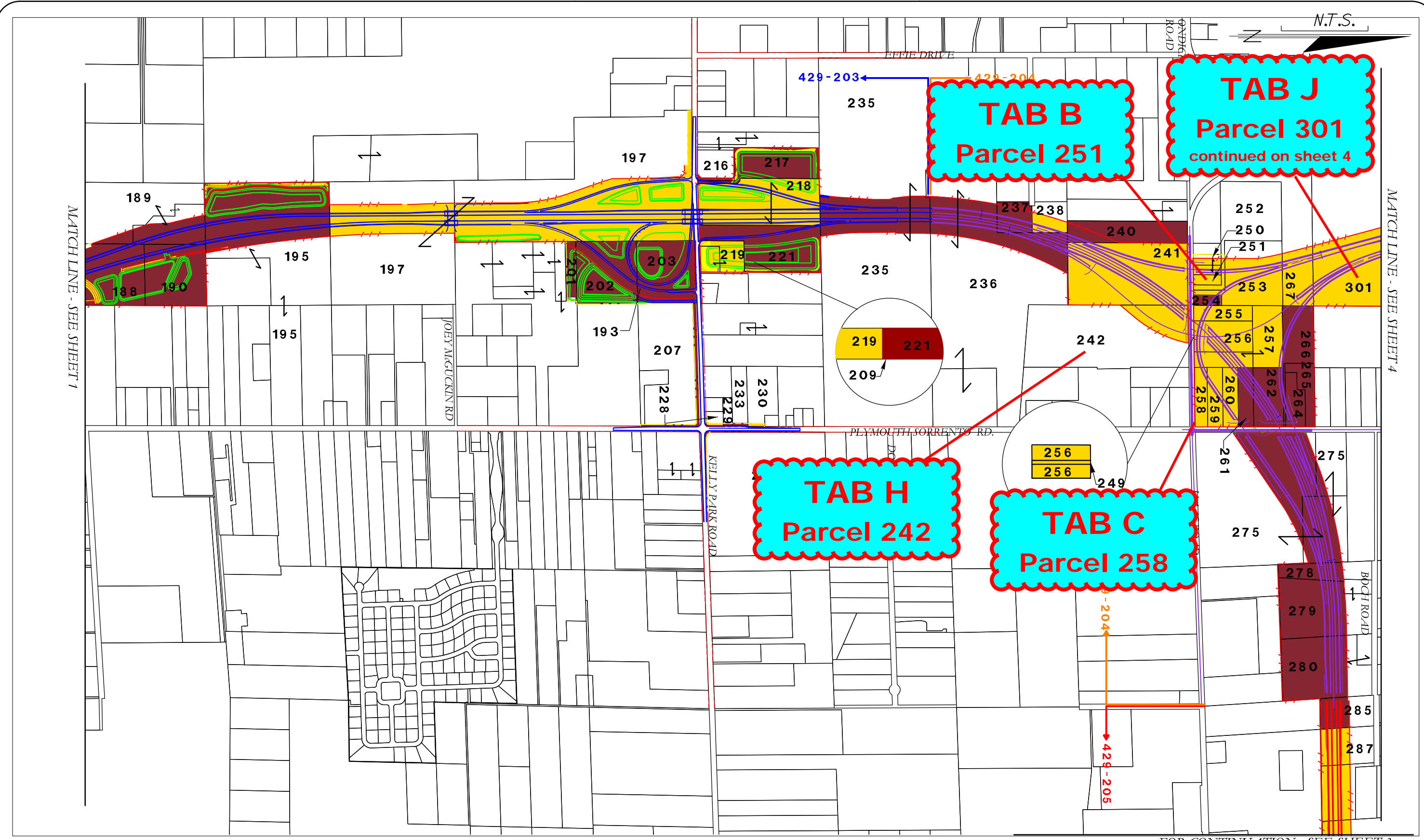
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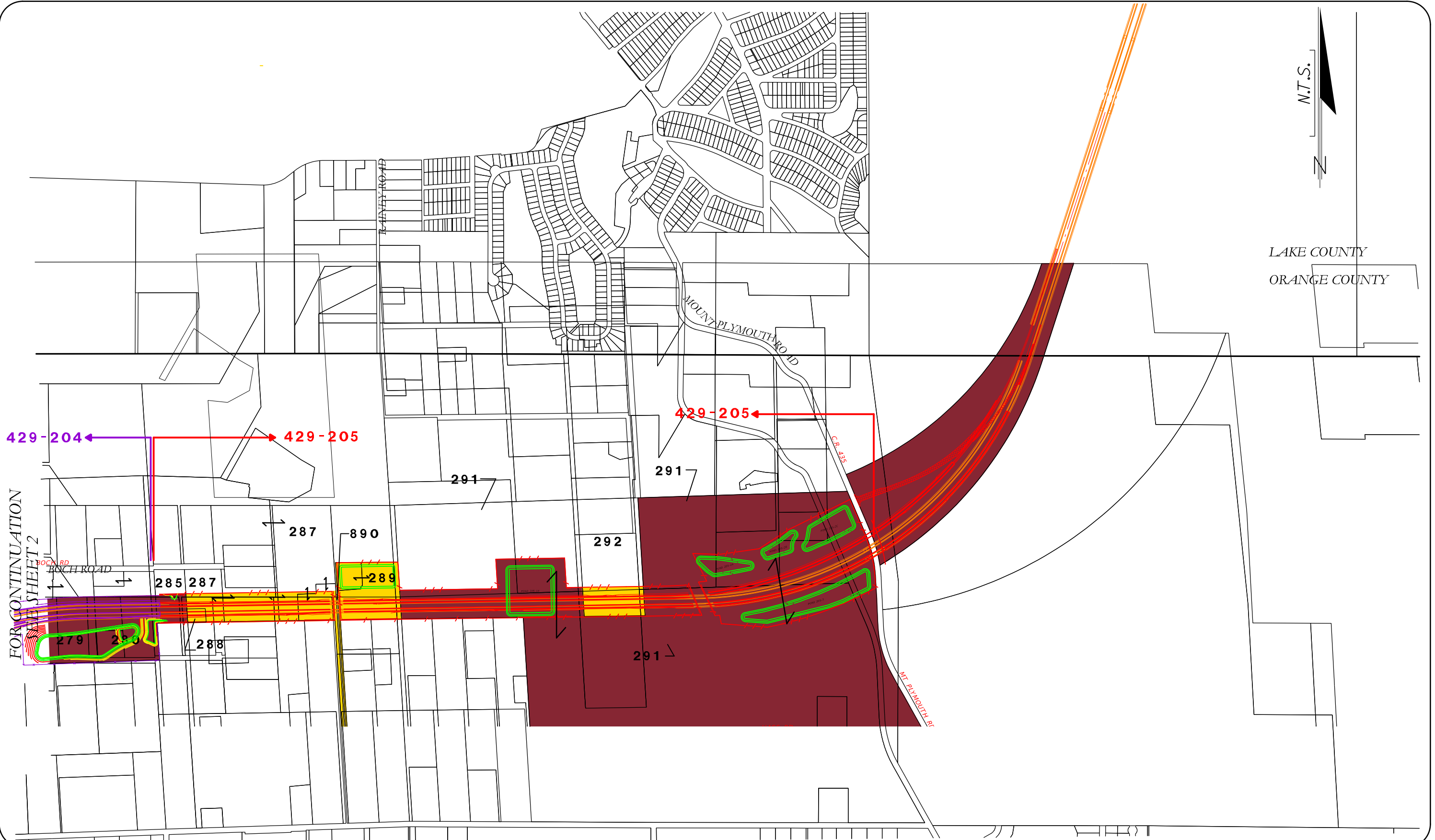
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RIGHT-OF-WAY EXHIBIT
September 28, 2016
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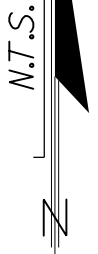
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ORANGE COUNTY

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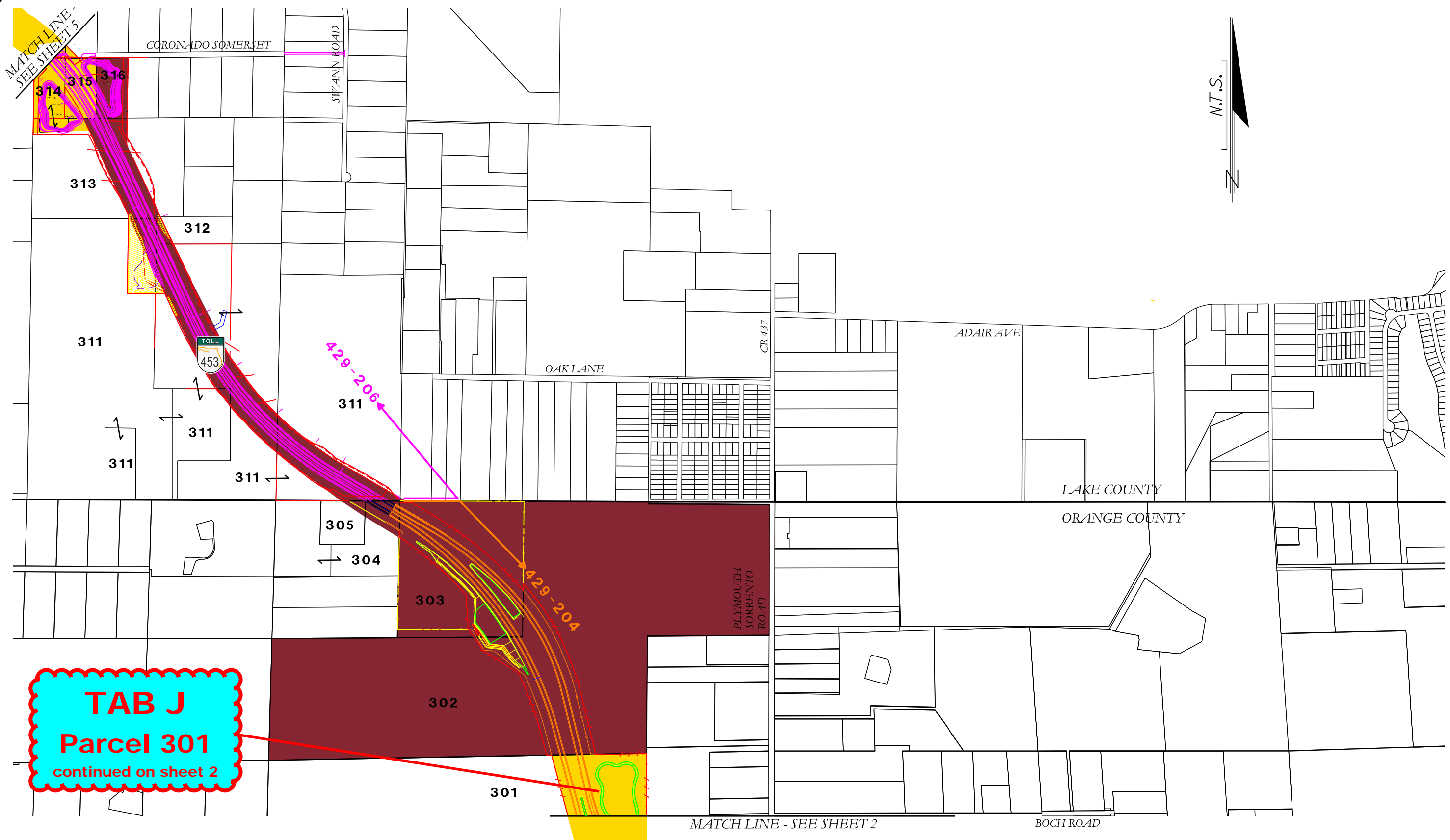
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RIGHT-OF-WAY EXHIBIT
September 28, 2016
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TAB J
Parcel 301
 continued on sheet 2

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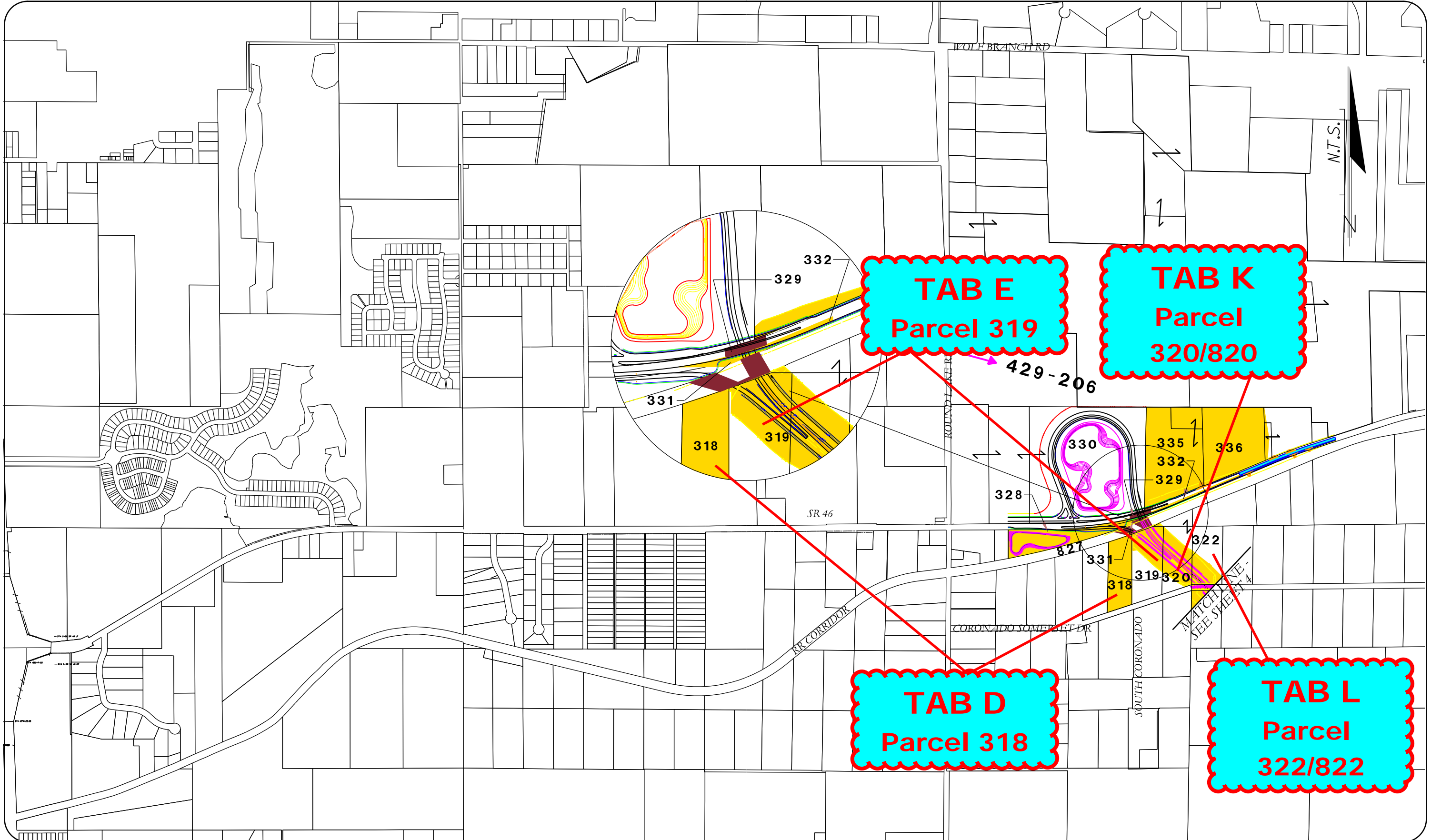
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RIGHT-OF-WAY EXHIBIT
September 28, 2016
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