

CENTRAL FLORIDA EXPRESSWAY AUTHORITY

MEMORANDUM

TO: CFX Board Members

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

DATE: June 28, 2016

RE: *Central Florida Expressway Authority v. VIP Properties, LLC, et al.*
Case No. 2014-003698-O, Project: 429-203, Parcel 170
Owner: VIP Properties, LLC
Location: 3202 Phils Lane, North of Ponkan Road
Present Use: Office Building
Zoning: A-1, Citrus Rural District (Agricultural)
Size of Land Before: 10.138 acres; Amount Taken: 0.454; Remainder: 9.684 acres

When a condemning authority takes property through the filing of a petition in eminent domain, it is required to pay the owner's experts and attorneys. Pursuant to Section 73.092, Florida Statutes, the owner's attorney is entitled to a fee based upon 33% of any benefit up to \$250,000. Benefit is defined as the difference between the final judgment and the last written offer made by the condemning authority before the owner hires an attorney. In this case, the monetary benefit is the difference between \$62,000 and \$15,600, or \$46,400. Applying the statutory formula, the statutory attorney's fee award is **\$15,312**.

Regarding the owner's expert fees, Section 73.091, Florida Statutes, requires the condemning authority to pay "all reasonable costs incurred in the defense of the proceedings." Counsel for the owner provided invoices from its experts, an appraiser, a market analyst, and a planner, consisting of the following:

Calhoun, Dreggors & Associates, Inc.	\$8,225.00
Lakemont Group	420.00
Williams Development Services, Inc.	<u>\$2,175.00</u>
TOTAL	\$10,820.00

Copies of the invoices are attached hereto as **Exhibit A**. To assess the reasonableness of the expert fees, the files of the appraiser and planner were inspected. The experts' files showed that both experts had undertaken research and review. Several photographs of Mr. Dreggors' file are attached as **Composite Exhibit B**. Several photographs of Mr. Williams' file are attached as **Composite Exhibit C**.

After reviewing invoices and the files, the parties were able to reach a proposed resolution as follows:

Project: 429-203, Parcel 170
Owner: VIP Properties, LLC

Calhoun, Dreggors & Associates, Inc.	\$6,157.00
Lakemont Group	350.00
Williams Development Services, Inc.	<u>\$1,957.50</u>
TOTAL	\$8,464.50

REQUESTED ACTION

Board approval is requested for the payment of reasonable expert fees and costs as to Parcel 170 in the amount of **\$8,464.50**.

The Right of Way Committee recommended approval on June 22, 2016.

ATTACHMENTS

- A - Invoices
- B - Photographs of Mr. Dreggors' file
- C- Photographs of Mr. Williams' file

Reviewed by: Joseph Massimatore

Calhoun, Dreggors & Associates, Inc.

• Real Estate Appraisers & Consultants •

April 7, 2016

Thomas P. Callan Esq.
c/o Callan Law Firm, P.A.
921 Bradshaw Terrace
Orlando, FL 32806

RE: Owner: VIP Properties, LLC
Project: Wekiva Parkway
Parcel No.: 170
County: Orange

INVOICE

Conference with owner's representative, gather information on the subject parcel, review CFX reports, meeting with owner's representative, pro-rata share, vacant land sales research/analysis, prepare summary/exhibits of other CFX appraisals/values, review information with Rick.

Abrams Schmidt:	38.75 Hrs. x \$175/Hr. =	\$6,781
Dreggors:	5.25 Hrs. x \$275/Hr. =	<u>1,444</u>
Total		\$8,225

Thank you,

Richard C. Dreggors, GAA
President

RCD/ddp

EXHIBIT A

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

OWNER	VIP PROPERTIES LLC	COURTNEY ABRAMS
PROJECT	WEKIVA PARKWAY	
PARCEL(S)	170	
COUNTY	ORANGE	

DATE	TYPE OF SERVICE	HOURS
06/11/15	REVIEW DOCUMENTS; MEETING WITH RICK TO REVIEW SCOPE OF WORK.	1.75
06/15/15	RESEARCH SUBJECT DOCUMENTS; REVIEW/ ANALYSIS OF CONDEMNOR'S APPRAISALS AND SALES.	4.25
06/16/15	DRIVE BY SUBJECT PROPERTY FOR INSPECTION; BEGAN SALES RESEARCH.	3.00
06/18/15	RESEARCH/ANALYSIS OF SALES.	4.75
06/22/15	UPDATE AERIAL EXHIBITS FOR WEKIVA PARKWAY PARCELS.	2.50
06/25/15	ANALYSIS OF SEVERANCE DAMAGES AND COMPENSATION; UPDATE WEKIVA EXHIBITS.	3.25
07/02/15	UPDATE SALES RESEARCH; ANALYSIS OF SALES.	4.50
07/06/15	SALES ANALYSIS.	3.25
07/07/15	RESEARCH/ANALYSIS OF CFX'S SALES; PREPARE DOCUMENTS WITH ANALYSIS OF SALES.	5.00
07/10/15	WORK ON CFX SALES ANALYSIS.	2.75
07/14/15	UPDATE WEKIVA EXHIBITS FOR SALES AND AFTER APPRAISAL BY CFX APPRAISALS.	<u>3.75</u>
	TOTAL HOURS	38.75

OWNER	VIP PROPERTIES LLC	RICHARD C. DREGGORS, GAA
PROJECT	WEKIVA PARKWAY	
PARCEL(S)	170	
COUNTY	ORANGE	

DATE	TYPE OF SERVICE	HOURS
06/11/15	REVIEW DOCUMENTS AND CONFERENCE WITH OWNER'S REPRESENTATIVE; MEET WITH ASSOCIATE TO REVIEW OUR SCOPE OF WORK.	2.00
06/16/15	REVIEW INFORMATION ON SUBJECT; REVIEW CFX REPORT; MEETING WITH OWNER'S REPRESENTATIVE TO REVIEW VALUATION ISSUES; ASSIST WITH RESEARCH AND ANALYSIS OF VACANT LAND SALES.	<u>3.25</u>
	TOTAL HOURS	5.25

Lakemont Group

2037 Shaw Ln, Orlando, FL 32814

INVOICE

Invoice Number 1

Period Covered –

1/1/15 to 2/1/16

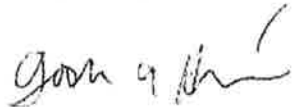
February 4, 2016

To:

Thomas Callan
Callan Law Firm, P.A.
921 Bradshaw Terrace
Orlando, Florida 32806
Attn: Accounts Payable

DATES	DESCRIPTION	HOURS	RATE	AMOUNT
Various	<u>Client: VIP Properties LLC</u> <u>Matter: Parcel 170 – Section 429-203</u> <u>Case No: 2014-CA-003698-O</u> Meetings and calls with attorneys to advise on real estate and economic market conditions and forces related to valuation of real estate subject to taking.	1.2	\$350.00	\$ 420.00
	SUB TOTAL:			\$ 420.00
Expenses	None			\$ 0.00
	TOTAL DUE:			\$ 420.00

Thank you very much for the opportunity to serve.



Joshua A. Harris, Ph. D., CRE, CAIA
Managing Partner
Lakemont Group

Payment Instruction via Check:

LAKEMONT GROUP
2037 SHAW LN
ORLANDO, FL 32814

WILLIAMS DEVELOPMENT SERVICES INC.

February 1, 2016

Attorney Thomas P Callan
Callan Law Firm PA
921 Bradshaw Terrace
Orlando FL 32806

Subject: Central Florida Expressway Authority v. VIP Properties LLC
Case 2014-CA-003698-0
Parcel 170, Wekiva Parkway

Dear Mr. Callan

The following invoice is for professional land planning services in the above described case.
Your assistance in processing this invoice would be greatly appreciated.

DATE	SERVICES	HOURS
12-2-15	Meeting with attorney, retained in case, received initial work assignments	1.0
12-4-15	Site and neighborhood inspection, review construction plans	1.2
1-10-12	Review and comment on CFX appraisal by Bullard from a land planning Planning and development permitting standpoint	2.5
12-9-15	Collect and analyze background data on comprehensive plan, land Development code, utilities, concurrency and permitting history of site.	1.5
1-4-16	Highest and best use analysis, damage analysis	2.0
1-19-16	Report findings to attorney Callan	0.5
Subtotal :	8.7 Hours at \$250.00 per Hour	
Total Due:	\$2,175.00	

Submitted By:


Edward J Williams

920 S DELANEY AVE ORLANDO FL 32806 407 376 4792 EDW5654@BELLSOUTH.NET

Back to Message 15-12-08 Engagement Letter T... 1 / 1

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Callan Law Firm, P.A.

Callan Law Firm, P.A. Expert Witness Engagement Agreement

Date: December 8, 2015 ("Date")

Client: VIP Properties, LLC ("Client")

Matter: Wekiwa Parkway ("Matter")

Expert Name: Ed Williams, Williams Development Services ("Expert")

The Expert has been retained by Callan Law Firm, P.A. ("Firm"), to provide engineer services in the Matter which is an eminent domain case under Florida Law where the condemning authority PDOT seeks to acquire all or a portion of the property owned by the Client located at 3202 Phila Lane, Apopka, in Orange County, Florida.

The non-trial hourly rate is \$250.00 for the Expert, and the standard hourly rates will apply to other employees or assistants to the Expert. The trial hourly rate for the Expert is \$250.00.

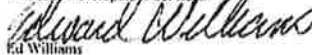
The payment of your fees shall be by the condemning authority in this Matter at the conclusion of this Matter. Neither the Client nor the Firm or the attorneys of the Firm shall be responsible for the payment of your fees. An addendum is not attached to this Agreement.

The Firm will represent you in the negotiation of your fees or at the fee hearing. The Expert agrees to keep accurate and contemporaneous time records and provide same to the Firm to seek the reimbursement. The Firm shall not settle the Expert's fees and costs without the consent of the Expert. The Expert shall make the required appearances and cooperate in any proceeding to pay their fees.

Callan Law Firm, P.A.


Thomas P. Callan

Expert: Ed Williams,
Williams Development Services


Ed Williams

921 Bradshaw Terrace • Orlando, Florida 32806
407-426-9141 • Fax: 407-426-0567 • www.callanlaw.com



Callan Law Firm, P.A.

Simon
VIP
Brown

Callan Law Firm, PA
Expert Witness Engagement Agreement

Date: August 13, 2014 ("Date")

Clients:

SECTION 1B

PHILIP & PATRICIA SIMMONS - CLF# 969

VIP PROPERTIES, LLC/ARMAN RAHBARIAN - CLF# 965

SECTION 2B

ROBERT & LOIS BROWN - CLF# 961

("Clients")

Matter: WEKIVA PARKWAY ("Matter")

Expert Name: Joshua Harris, Lakemont Group, LLC ("Expert")

The Expert has been retained by Callan Law Firm, PA ("Firm"), to provide real estate analysis services in the Matter which is an eminent domain case under Florida Law where the condemning authority CENTRAL FLORIDA EXPRESSWAY AUTHORITY ("CFX") f/k/a ORLANDO-ORANGE COUNTY EXPRESSWAY AUTHORITY seeks to acquire all or a portion of the property owned by the Client located on the Wekiva Parkway Project.

The non-trial hourly rate is \$350.00 for the Expert, and the standard hourly rates will apply to other employees or assistants to the Expert. The trial hourly rate for the Expert is \$350.00.

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Callan Law Firm, PA

Thomas P. Callan

Expert - Joshua Harris
Lakemont Group, LLC

921 Bradshaw Terrace • Orlando, Florida 32806
407-426-9141 • Fax: 407-426-0567 • www.callanlaw.com

VIP Properties

Sale No.	Location	Sale Date	Sale Price	Land Size (Net Ac.)	Price/ Net Acre
Subject	West side of Phils Lane, north of Ponkan Road; Orange Co.	06/14	n/a	10.14 Ac.	n/a
VR-34	NS of Old Hwy. 50, about 675'± NW of Lake Blvd., Lake Co.	05/16/13	\$3,108,000	46.53 Ac.	\$66,795
VR-35	NS of Steve's Rd., about 1,000'± E of US Hwy. 27, Lake Co.	03/31/14	\$2,600,000 (\$3,600,000 effective price)	32.36 Ac.	\$111,248
VR-534	N & SS of Marsh Rd., about ¼ of a mile W of Avalon Rd., Orange Co.	02/14/14	\$6,350,000	56.94 Ac.	\$111,521
VR-537	SS of Sunridge Blvd., about 1,500'± E of Avalon Rd., Orange Co.	03/13/14	\$6,188,000 (\$5,460,000 effective price)	34.62 Ac.	\$157,712
VR-538	ES of Tiny Rd., about 3,300'± S of Tilden Rd., Orange Co.	12/17/12	\$18,000,000	201.56 Ac.	\$89,303
VR-539	E & WS of Winter Garden Vineland Rd., about 650'± N of Roper Rd., Orange Co.	12/10/12	\$6,421,100	43.14 Ac.	\$148,843
VR-540	ES of Siplin Rd., ½ mile east of Avalon Rd., Winter Garden, Orange Co.	07/24/14	\$9,920,000	62.38 Ac.	\$159,025

EXHIBIT B

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Sale No.	Location	Sale Date	Land Size	Sale Price	Price/Ac.
Subject	West side of Phils Lane, north of Ponkan Road; Orange Co.	06/14	10.14 Ac.	n/a	n/a
VR-542	South side of Kilmer Lane about 0.30 of a mile west of Peidmont Wekiva Rd., Orange Co.	05/14	3.04 Ac.	\$150,000	\$49,342
VR-543	East side of Gilliam Rd. about 680'± north of Clarcona Ocoee Rd., Orange Co.	12/13	3.06 Ac.	\$140,000	\$45,752
VR-550	North side of Seidner Road, west of Davenport Road; Orange Co.	06/14	9.64 Ac.	\$399,900	\$41,483
VR-553	West side of Avalon Road (CR 545) about 380' south of Alps Street; Orange Co.	04/14	10.88 Ac.	\$425,000	\$39,063



Callan Law Firm, P.A.

Callan Law Firm, PA Expert Witness Engagement Agreement

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Matter: Wekiva Parkway ("Matter")

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Callan Law Firm, PA

Expert - Ed Williams,
Williams Development Services

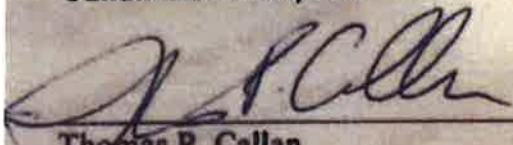
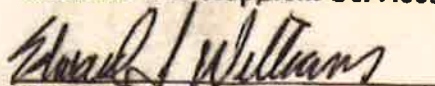

Thomas P. Callan
Ed Williams

EXHIBIT C

Tom Cullum
Ed Wilton

VIP Properties LLC P170

Per your request — hold off final report —
I have completed my preliminary analysis
and will incorporate the following issues
in my report to the appraiser

- ① site was 10+ acre parcel that was formerly
used as nursery and landscaping business
with an office located on property
- ② purchased in 2012
- ③ taking (issue) is acquisition of 60 foot
easement/egress eminent Brown Plots Lane
- ④ makes site non-conforming
- ⑤ I will address reasonable probability
of changing comp plan/zoning
- ⑥ I will address annexation potential

1-19-16

320,787 PA

Geographic location	24	20-27
Physical location	W side Phils Lane north of Gordon Rd	
Political jurisdiction	Orange County	
Current tract	10.138 acres	
Taking	454 acres	19,782 sq ft
Remains	9.684 acres	
FLU	Rural 1 du/10 acres	
Zoning	A-1	
Utilities	Well + Septic	
Setback U	1680 sq ft office from fence line	

- * * Note: Property adjacent to approved Project Orlando LLC property to south
- note: property likely candidate for annexation into city which absent the project meant higher density residential development 3-5 du/acre
- note: Potential damages - county designation (RU) 1 du/10 acres - ~~proposed~~ taking makes it more conforming to Comp plan.
- 1- note: Property in area impacted by threat of condemnation and condemnation blight need to work with appraiser on sales area
- My report will follow same format as others along this project. Will include

the history of project, and all of its components including WPA+PA - that directed parts of the design, funding and land use restrictions necessary to accomplish the project. Report will include Before Taking analysis w/o project, taking, after taking including damages.

Please notify my office when report needs to be prepared.

ANNEXATION DOCUMENTS

5024	PSR	Yuan	12 20 27	0000	00	028
5012	PSR	Muller	12 20 27	0000	00	054
4744	PSR	Lo	13 20 27	0000	00	030
4466	PSR	Horne	13 20 27	0000	00	008
3366	PSR	De Plants	13 20 27	0000	00	007
3872	WKPR	Collins	13 20 27	0000	00	034
2500	WKPR	Brown	13 20 28	0000	00	067 + 007
2300	WKPR	Holm Vinn Flan	7 20 28	0000	00	009
3001	WKPR	Tysbo	12-20-27	0000	00	027
4857	WKPR	Enburg	18 20 28	0000	00	074
2812	WKPR	Force	18 20 28	0000	00	005
2758	WKPR	Karlén	18-20-28	0000	00	079
2693	WKPR	Shiflett	07 20 28	0000	00	046 + 035
2669	WKPR	Badgley	07 20 28	0000	00	045
2710	WKPR	T+W Rauhle	07 20 28	0000	00	038
2409	Day Scout	Maple	18-21-28	0000	00	052 + 026 + 053
2045	Day Scout	Scott	18 21 28	0000	00	046
2055	Day Scout	Shiflett	18-21-28	0000	00	053 + 090 + 013 + 070
2455	BSR	Hunt	18 21 28	0000	00	036
2421	BSR	Fraylay	18-21-28	0000	00	085
1085	BSR	Proer	18 21 28	0000	00	039
1900	BSR	Cook Family Tral	17 21 28	0000	00	005
1879	BSR	Kazaras	17 21 28	0000	00	006
2272	WBSR	McClintock	18-21-28	0000	00	055
2235	BSR	Kramer	18-21-28	0000	00	072
1137	Jackson	Mc Lee	18-21-28	0000	00	028

Figure 9:

Prability of Rezoning

Development Trends

Type of Road

Influence of VCC

Influence of Power substation

infludence of the power line

ionfluence of the ditch

influence of the easement

Land Use Policies

Woodbury Road strip commercioal in a village setting,

Dean Road

Valencia College Lane

Hall Road and University Road

Office site on University and Econtrail se corner by sustation prower transmission line