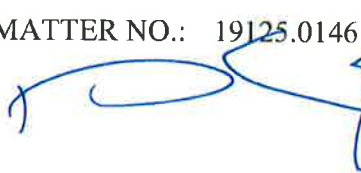




## MEMORANDUM

TO: Central Florida Expressway Authority Board Members  
FROM: David A. Shontz, Esq., Right-of-Way Counsel  
DATE: May 27, 2016  
RE: State Road 429 Wekiva Parkway, Project 429-204; Parcel 262  
Mediated Settlement Agreement Including Fees and Costs

CLIENT-MATTER NO.: 19125.0146

A handwritten signature in blue ink, likely of David A. Shontz, Esq., is written over the CLIENT-MATTER NO. and extends into the right margin.

Shutts & Bowen LLP, Right-of-Way Counsel, seeks the approval of the CFX Board for the mediated settlement agreement between Hafeez R. Ali and Vonney Roberts, (the "Owners") and the Central Florida Expressway Authority (the "CFX") for the acquisition of Parcel 262 (the "Taking" or "Property") for the construction of State Road 429 Wekiva Parkway, Project 429-204.

### DESCRIPTION AND BACKGROUND

Parcel 262 ("Subject Property") is a fee simple acquisition of 4.786 acres, comprising a whole taking of property located on the west side of Plymouth Sorrento Road and north of Ondich Road in Orange County, Florida. The property is improved with a 1,988 square foot manufactured home built in 1987, several sheds, a well, irrigation system and perimeter fencing.

The Property is zoned A-1, Citrus Rural District by Orange County which provides for primarily residential/agricultural uses, and for which future development is uncertain. The future land use designation is R, Rural/Agricultural, by Orange County. The highest and best use of the property as vacant was determined to be for residential use. The highest and best use as improved is the continued use of the existing improvements.

The CFX's appraisal of the property was prepared by Chad Durrance, MAI, of Durrance & Associates. Mr. Durrance used a sales comparison approach to estimate the land and residential improvements of the Subject Property. In estimating the land value of the Subject Property, Mr. Durrance concluded a land value of \$27,500 per acre, for a taking value of \$131,500.

Mr. Durrance opined the improvements for the Subject Property at \$88 per square foot of

living area, or \$43,500. Adding the previous land value of \$131,500, Mr. Durrance opines the total value of the Subject Property to be \$175,000.

Bradley J. Pierson of Pierson Appraisal Group prepared the appraisal report for the Respondents. Based upon information from land planner Dale Laughner, Mr. Pierson opined it is reasonably probable the Subject Property would be annexed into the City of Apopka and re-zoned for a greater density use or for use as an Adult Living Facility, which was the intent of the Respondents, and developed alone or by assemblage with adjoining properties. Mr. Pierson opines the highest and best use of the Subject Property as vacant is for future assisted living facility (ALF) development or high density residential development. The highest and best use as improved would be for an interim use of the improvements until re-development took place.

Mr. Pierson utilized three (3) comparable land sales ranging in value from \$64,893 to \$146,444 per acre, arriving at a valuation of \$100,000 per acre for the Subject Property or \$478,600 plus the easement area abutting the north of the property at 60% of the land value or \$17,665 to arrive at a total land value for the land taken of \$496,265. Mr. Pierson utilized the Cost Approach to value the improvements (new) at \$136,065, less depreciation of \$33,045, or a total value of the improvements of \$103,020. Mr. Pierson opines the total value of the land and improvements is \$599,285.

Counsel for the Respondents had noticed the matter for trial, but a trial date was not yet scheduled when the parties agreed to mediate this matter. During mediation, the parties were able to reach a settlement in the amount of \$249,000 as full settlement of all claims for compensation by the property owner, plus statutory attorney's fees totaling \$21,925.20, plus reduced expert fees and costs totaling \$30,000.00. Additionally, as a condition of the Mediated Settlement Agreement, the Respondents agreed to resolve any and all apportionment claims with respect to Parcel 262, and further agreed to waive any apportionment claim for their interest in an easement on an adjoining property (Parcel 266). David A. Holloway, counsel for the Respondents, advised Right-of-Way Counsel on March 15, 2016, that the apportionment issues related to the easement on Parcel 262 had been resolved. Mr. Holloway agreed to a reduced fee of \$3,500 for supplemental apportionment attorney's fees and costs related to the resolution of the apportionment issue.

For the above-cited reasons, Right-of-Way counsel requests the CFX Board approve the mediated settlement in the amount of \$249,000, plus attorney's fees and costs and expert's fees and costs totaling \$55,425.20, which is in the CFX's best interest. Settlement of the underlying claim, apportionment issues, and all fees and costs will eliminate further risk and unnecessary expenses that the CFX will ultimately incur with further litigation of the condemnation action to acquire Parcel 262.

At its May 25, 2016, meeting, the Right-of-Way Committee agreed to recommend the settlement of this matter to the CFX Board.

### **RECOMMENDATION**

We respectfully request that the CFX Board approve the proposed settlement agreement with a total settlement of \$304,425.20 in full settlement of all claims for compensation and apportionment in the acquisition of Parcel 262, including all statutory and supplemental attorney's fees and costs and all experts' fees and costs.

### **ATTACHMENTS**

Exhibit "A" – Sketch of the Subject Property  
Exhibit "B" – Photographs of the Subject Property and Area  
Exhibit "C" – Mediated Settlement Agreement – Parcel 262  
Exhibit "D" – Experts Invoices

Reviewed by: \_\_\_\_\_

A handwritten signature in blue ink, appearing to read "Joseph Hassinter", is written over a horizontal line.

ORLDOCS 14722230 2

## LEGAL DESCRIPTION

PARCEL 262

PURPOSE: LIMITED ACCESS RIGHT OF WAY

ESTATE: FEE SIMPLE

THAT PART OF THE NORTH 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 8615, PAGE 4918,  
PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA AND BEING MORE  
PARTICULARLY DESCRIBED AS FOLLOWS:

"A PORTION OF THE NORTH 1/2 OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4  
OF SECTION 1, TOWNSHIP 20 SOUTH, RANGE 27 EAST, ORANGE COUNTY,  
FLORIDA, LESS THE NORTH 337.86 FEET THEREOF AND ALSO LESS THE EAST  
30.00 FEET FOR ROAD PURPOSES.

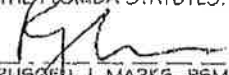
MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID SECTION 1; THENCE ALONG  
THE EAST LINE OF SAID SECTION 1 NORTH 00 DEGREES 07'20" WEST 663.42 FEET;  
THENCE SOUTH 89 DEGREES 10'25" WEST 30.00 FEET TO THE WEST RIGHT-OF-WAY  
LINE OF PLYMOUTH SORRENTO ROAD; THENCE ALONG SAID WEST RIGHT-OF-WAY LINE  
NORTH 00 DEGREES 07'20" WEST 326.54 FEET; THENCE SOUTH 89 DEGREES 03'09"  
WEST 639.36 FEET; THENCE SOUTH 00 DEGREES 02'02" WEST 325.39 FEET; THENCE  
NORTH 89 DEGREES 10'25" EAST 640.23 FEET TO THE POINT OF BEGINNING."

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 4.786 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

SIGNED BY: RJM

DATE: 12/18/13

DRAWN BY: DJK

JOB NO:

APPROVED BY: RJM

OOCEA PROJECT NO: 429-204

**URS**

URS CORPORATION  
315 E. ROBINSON STREET  
SUITE 245  
ORLANDO, FL 32801-1949  
PH (407) 422-0353  
LICENSED BUSINESS NO. 6839

REVISIONS:

SHEET: 1 OF 2

**EXHIBIT "A"**

ESTATE: FEE SIMPLE

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

| LINE TABLE           |              |
|----------------------|--------------|
| LI S 89°15'01" W (C) | 30.00'(C)(D) |
|                      |              |
|                      |              |
|                      |              |

NE COR SE 1/4  
FND 1" IR  
NO ID  
(IN WELL. BOX)  
CCR 41735

30' R/W  
DB 402  
PG 116

SCALE:  
1" = 150'

SW CORNER  
SE 1/4, SEC 1  
FND 4"X4" CM  
NO ID  
CCR 0047859

# ONDICH ROAD

(60' R/W) 12

POC  
SE CORNER  
SE 1/4,  
SEC 1  
FND 1/2" IR  
IN WELLBOX  
CCR 051475

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. 2037-2857129 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

DRAWN BY: DJK

JOB NO:

APPROVED BY: RJM

OOCEA PROJECT NO: 429-204

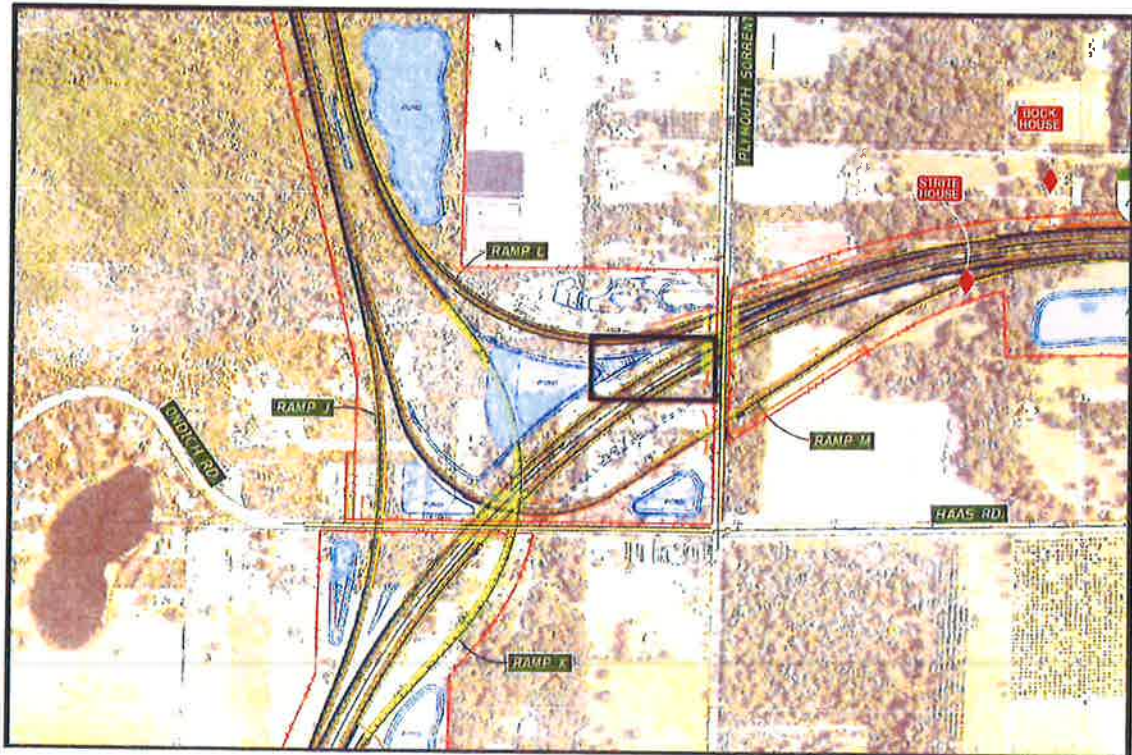
**URS**

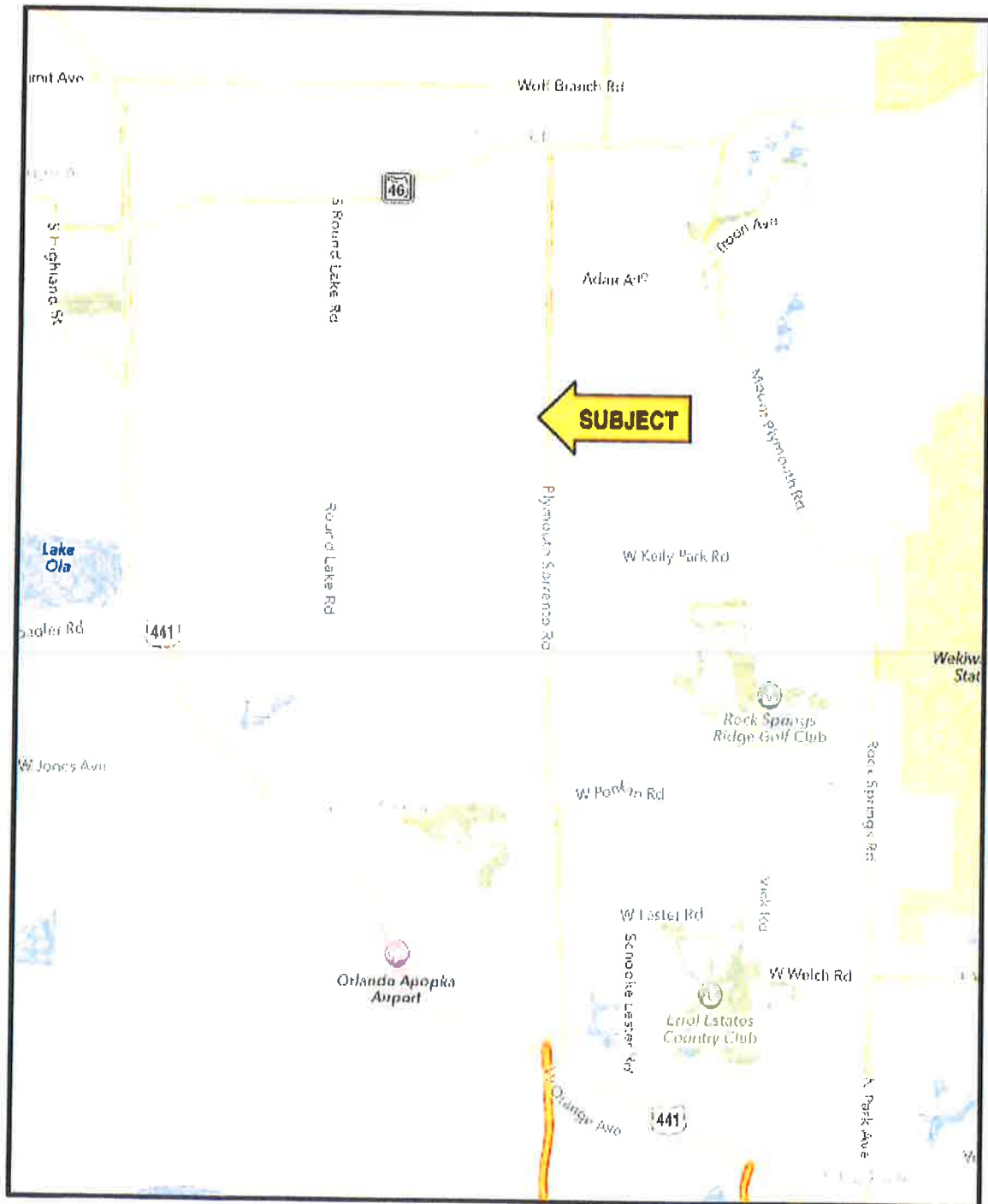
URS CORPORATION  
315 E. ROBINSON STREET  
SUITE 245  
ORLANDO, FL 32801-1949  
PH (407) 422-0353  
LICENSED BUSINESS NO. 6839

REVISIONS:

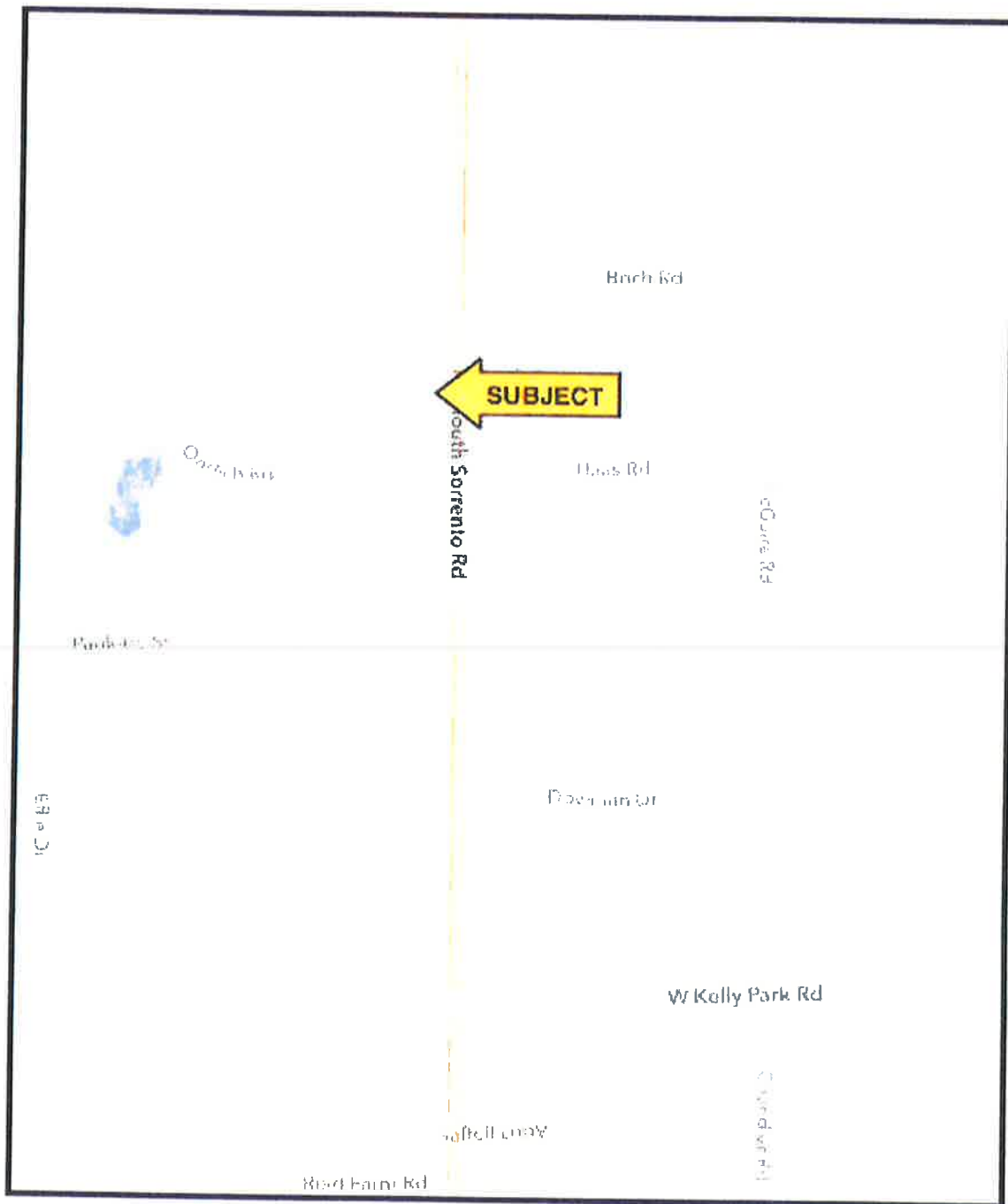
SHEET: 2 OF 2

The proposed design of the Wekiva Parkway improvements in the area of the subject property is shown below.

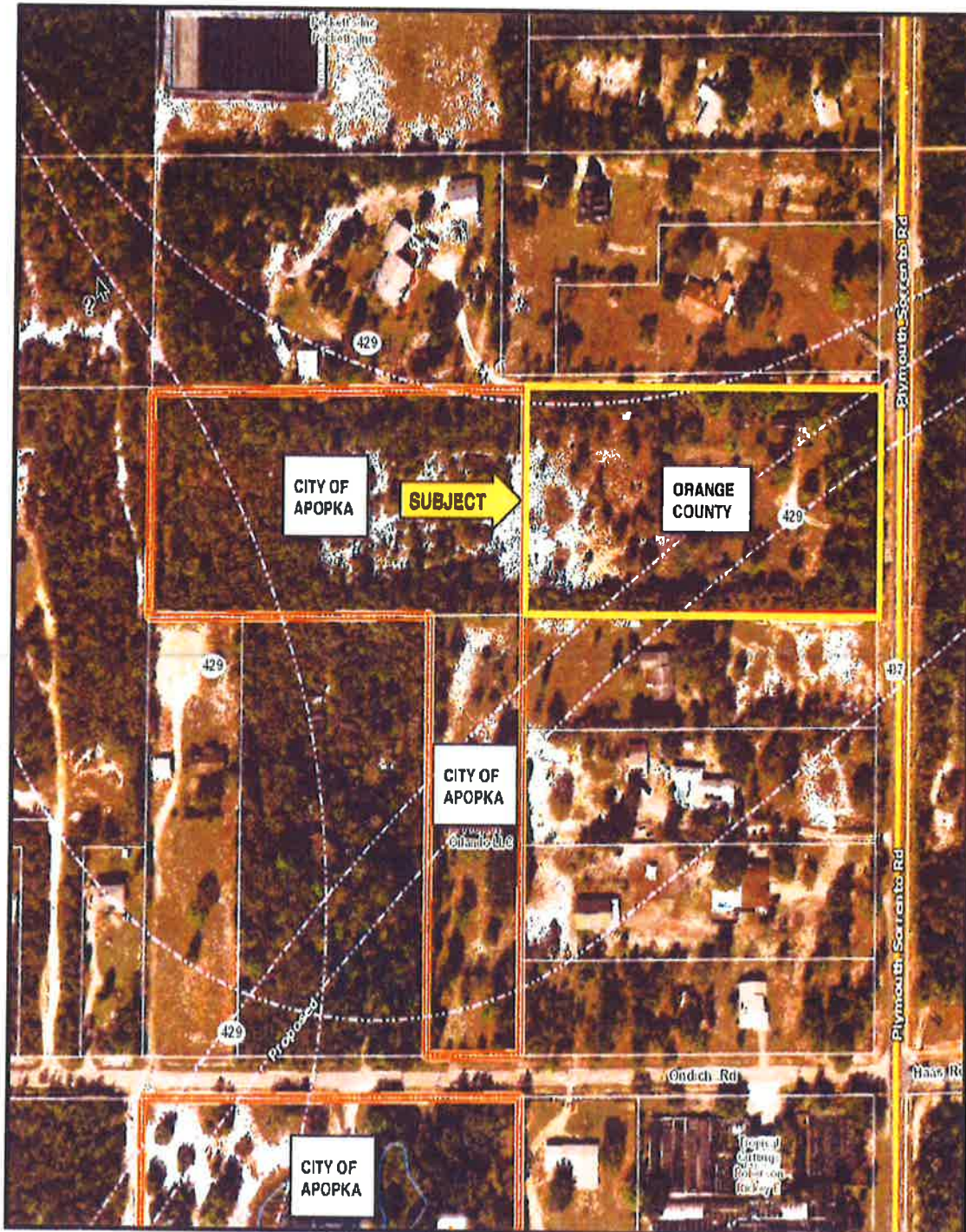




## **LOCATION MAP**

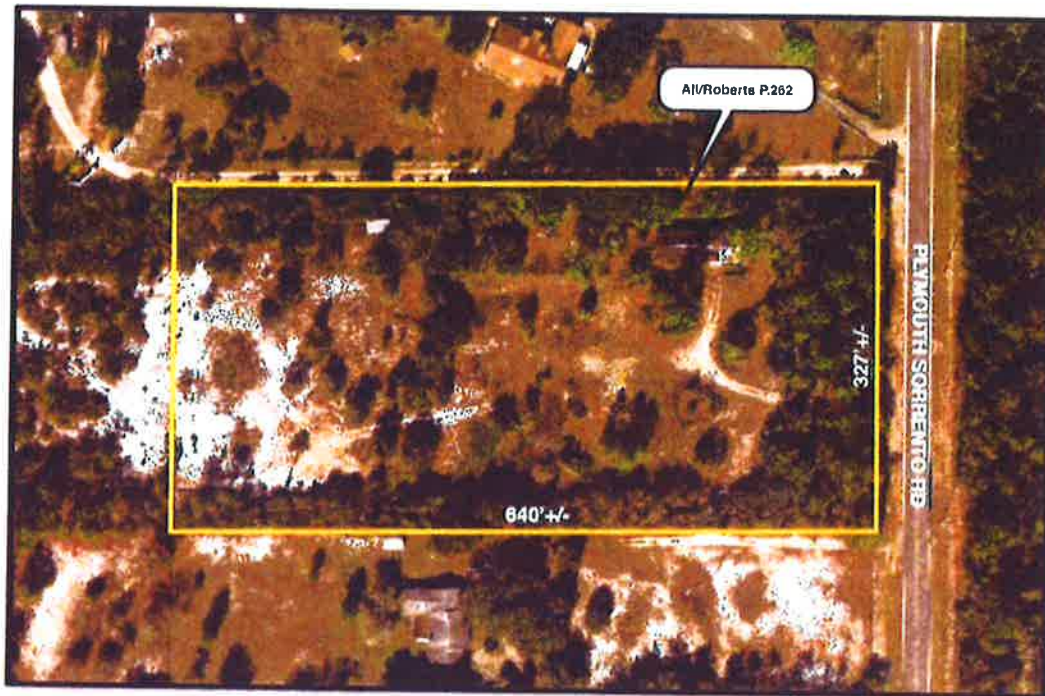


**LOCATION MAP**



**AERIAL**

(Source: OCPAFL.org – 2014 Image Date)



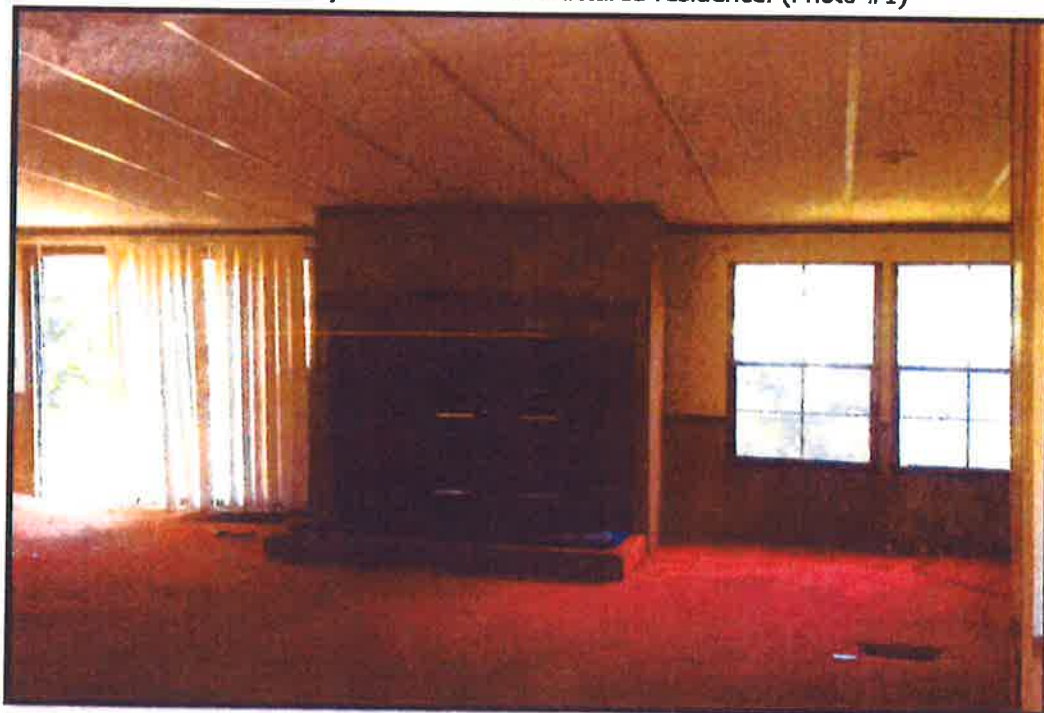
**AERIAL/SKETCH**



**BIRDS EYE/IMPROVEMENTS**



Northwesterly view of the manufactured residence. (Photo #1)



Interior view of residence (taken through window). (Photo #2)

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

CENTRAL FLORIDA EXPRESSWAY  
AUTHORITY,

Petitioner,

v.

Case No.: 2015-CA-001150-O  
Parcel: 262

HAFEEZ R. ALI, et al.

Respondents.

**MEDIATED SETTLEMENT AGREEMENT**

At the Mediation Conference held on January 12, 2016, the parties reached the following Settlement Agreement:

1. Petitioner will pay to Respondents, Hafeez R. Ali and Vonney Roberts, the sum of Two Hundred Forty-Nine Thousand Dollars exactly (\$249,000) in full settlement of all claims for compensation from Petitioner whatsoever, 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 Seventy-Five Thousand Dollars (\$175,000). Within thirty 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 or, in the event of no apportionment claim, by payment to the trust account of Respondents' attorney, the sum of Seventy-Four Thousand Dollars exactly (\$74,000), representing the difference between the total settlement sum referenced above and 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 Respondents' attorney the sum of Twenty-One Thousand Nine Hundred Twenty-Five Dollars and 20/100ths (\$21,925.20) 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 Respondents' attorney the sum of Thirty Thousand Dollars (\$30,000) in full settlement and satisfaction of all expert witness costs incurred by Respondents in this case.

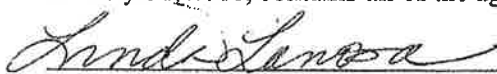
4. This Settlement Agreement is conditioned upon Respondents resolving any and all apportionment claims with respect to Parcel 262 within 60 days from the date of this Agreement. Upon the satisfaction or waiver by Respondents of the apportionment condition, this Settlement Agreement will be placed on 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 Respondents will jointly submit to the Court a mutually approved Stipulated Final Judgment containing the terms and conditions of this Settlement Agreement within fifteen days from the date of approval of this Settlement Agreement by the CFX Board.

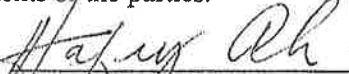
6. The parties agree to waive any confidentiality provisions set forth in Chapter 44 of Florida Statutes, the Florida Rules of Civil Procedure, and the Florida Rules of Evidence, if applicable, for the limited purpose of consideration of this proposed Settlement Agreement by the ROW Committee and the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

7. This Settlement Agreement includes full and complete satisfaction of Respondents' easement interest and apportionment claim in Parcel 266 owned by Warren and Wendy Ackley. Accordingly, Respondents hereby waive any apportionment claim to Parcel 266.

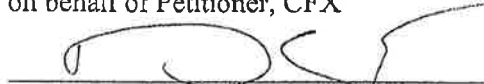
8. This Settlement Agreement, executed by the parties and their counsel on January 12, 2016, contains all of the agreements of the parties.



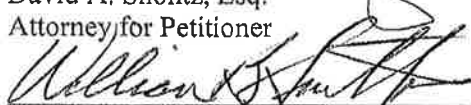
Linda Brehmer Lanosa, Esq.  
Deputy General Counsel  
on behalf of Petitioner, CFX



Respondent, Hafeez R. Ali



David A. Shontz, Esq.  
Attorney for Petitioner



William B. Smith, Esq.  
Circuit Court Mediator



Respondent, Vonnay Roberts



David W. Holloway, Esq.  
Attorney for Respondents

# Pierson Appraisal Group

*Real Property Advisory, Eminent Domain Consultants*  
1635 Lakewood Drive South  
Lakeland, Florida 33813  
(863) 647-5570  
(863) 647-5009 Facsimile

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January 11, 2016

Re Project Name: Wekiva Pkwy  
County: Orange  
Owner: Ali/Roberts  
Parcel: 262

## INVOICE FOR SERVICES RENDERED

---

|         |   |
|---------|---|
| 1/9/15  | Teleconference with Mr. Holloway re: Ali/Roberts Property. Reviewed Property appraiser information re: subject property.<br>6 hours @ \$195.00/hour   |
| 1/15/15 | Received FDOT Appraisal Report - reviewed report, TC w/Mr. Holloway<br>7 hours @ \$195.00/hour  |
| 1/27/15 | Site meeting with Dale Laughner re: highest and best use, development in the area and potential for the property.<br>5 hours @ \$195.00/hour  |
| 2/12/15 | Reviewed all data and information pertaining to the Ali/Roberts Property, set up appraisal file, pilled all relevant internet data, phone conference with David Holloway & Dale Laughner re: parent tract issues and easement location and rights.<br>5 hours @ \$195.00/hour |
| 3/13/15 | Telephone conference with Dale Laughner re: highest and best use, other similar uses in Orange County.<br>1.5 hours @ \$195.00/hour   |
| 4/3/15  | Received Preliminary Planning report, reviewed report, TC w/Dale Laughner, TC w/David Holloway<br>4.5 hours @ \$195.00/hour   |
| 4/6/15  | Began sales research.<br>8 hours @ \$195.00/hour  |
| 4/7/15  | Site re-inspection. Preparation for OT hearing<br>8 hours @ \$195.00/hour   |
| 4/8/15  | Attend and testify at OT Hearing<br>4 hours @ \$195.00/hour   |

**EXHIBIT "D"**

|          |   |
|----------|---|
| 4/9/15   | Sales research, vacant residential/commercial land sales in Orange County.<br>8 hours @ \$195.00/hour   |
| 4/10/15  | Sales research, TC w/Dale Laughner, TC w/David Holloway<br>8 hours @ \$195.00/hour  |
| 4/13/15  | Sales research - Assisted Living Facilities - Vacant and Improved sales,<br>locations and types of facilities.<br>8 hours @ \$195.00/hour   |
| 4/20/15  | Sales inspections of all sales (Improved ALF and vacant)<br>8 hours @ \$195.00/hour   |
| 4/21/15  | Meeting w/Mr. Holloway @ Seminole office<br>4 hours @ \$195.00/hour   |
| 4/22/15  | Sales confirmation and sales write-up.<br>8 hours @ \$195.00/hour   |
| 4/24/15  | Compiled sales data for properties purchased by the Central Florida Expressway<br>Authority. Created map and mapped sales and Wekiva Parkway route<br>8 hours @ \$195.00/hour                 |
| 6/11/15  | Began preliminary appraisal writing with collection of sales and data.<br>8 hours @ \$195.00/hour   |
| 7/16/15  | Continued sales research for both vacant residential and commercial sales. TC<br>w/Dale Laughner re: Highest and best use<br>6 hours @ \$195.00/hour  |
| 7/20/15  | TC w/Dale Laughner, TC w/David Holloway<br>1 hour @ \$195.00/hour   |
| 10/12/15 | Continued appraisal writing. Report set-up, description of property, zoning and<br>land use, reviewed neighborhood data and land valuation. TC w/Dale<br>Laughner.<br>8 hours @ \$195.00/hour |
| 10/30/15 | Continued appraisal writing. TC w/David Holloway re: easement rights to be<br>compensated for, potential development of the property<br>5 hours @ \$195.00/hour                               |
| 12/1/15  | Continued appraisal writing. Analysis of property as residential development of<br>separate lots with common access road, possibility of ALF development.<br>8 hours @ \$195.00/hour          |
| 12/2/15  | Property re-inspection<br>2 hours \$195.00/hour   |

12/3/15 Continued Appraisal writing. TC with David Holloway re: site analysis, highest & best use issues, condition of the existing home on the property  
8 hours @ \$195.00/hour

12/4/15 Continued appraisal writing. TC w/David Holloway.  
7 hours @ \$195.00/hour

12/7/15 Continued appraisal writing. Sent draft report to David Holloway.  
7 hours @ \$195.00/hour

12/8/15 TC w/David Holloway, completed appraisal report, made minor revisions sent report to Mr. Holloway.  
8 hours @ \$195.00/hour

12/10/15 TC w/David Holloway re: mediation and exhibits for mediation. Reviewed file, reviewed DOT report, prepared land exhibit for mediation.  
5.5 hours @ \$195.00/hour

1/4/16 Mediation preparation meeting at Mr. Holloway's office. Reviewed of appraisal and sales, sales throughout the corridor area that impacted the market.  
3 hours @ \$195.00/hour

1/15-12/15 E-mail correspondence dates: 1/15/15, 1/28/15, 2/16/15, 3/4/15, 4/2/15, 4/5/15, 4/6/15, 4/7/15, 4/9/15, 4/30/15, 5/4/15, 5/8/15, 5/26/15, 6/22/15, 11/20/15, 11/22/15, 12/3/15, 12/6/15, 12/7/15, 12/8/15, 12/18/15  
4 hours @ \$195.00/hour

**Totals for - Parcel 262 - Ali/Roberts**

| WORK COMPLETED BY                            | RATE     | HOURS  | TOTAL       |                    |
|--|----------|--------|-------------|--------------------|
| PRINCIPAL                                    | \$195/hr | 181.50 | \$35,392.50 |                    |
| ASSOCIATES                                   | N/A      | -0-    | -0-         |                    |
| Other Experts                                |          |        | -0-         |                    |
| <b>TOTAL FOR APPRAISAL SERVICES RENDERED</b> |          |        |             | <b>\$35,392.50</b> |

*Bradley J. Pierson*

Bradley J. Pierson, State Certified General Appraiser RZ1977  
Pierson Appraisal Group, Inc.  
F.E.I.D. 59-3418505

|   |                                      |             |                                  |                           |
|---|--------------------------------------|-------------|----------------------------------|---------------------------|
| <b>ALI / Roberts Case Time<br/>Sheet Parcel 262</b>   | <b>All work by<br/>Dale Laughner</b> |             |                                  |                           |
| <b>Work Description</b>   | <b>Time</b>                          | <b>Date</b> | <b>Rate<br/>\$185 /<br/>Hour</b> | <b>Invoice<br/>Amount</b> |
| Began work, TC with Mr. Pierson regarding entitlements and scheduling of meeting.   | 0.5                                  | 1/10/15     |                                  | \$92.50                   |
| Established location of property, studied the Orange County property appraiser site record and map, studied surrounding area, TC with Mr. Pierson regarding location on the Apopka City line relative to agreement between Orange County and Apopka and received and reviewed Durrance appraisal. | 3.25                                 | 1/16/15     |                                  | \$601.25                  |
| Researched the location of the Orange County and Apopka Comprehensive Plan boundaries and approved projects in the area. Emails with Mr. Pierson regarding roads in the area.   | 2.5                                  | 1/18/15     |                                  | \$462.50                  |
| Review FDOT appraisal and maps, research on FDOT property owned east of the site and north of the site.   | 1.25                                 | 1/20/2015   |                                  | \$231.25                  |
| Research the location of Pine Plantation and the sales history, Orlando Sentinel news article and Kelly Park Crossing approval as a DRI. Emails with Mr. Pierson regarding the project. Prepare planning report.  | 1.75                                 | 1/22/15     |                                  | \$323.75                  |
| Site meeting  | 5.0                                  | 1/27/15     |                                  | \$925.00                  |

All work done by Dale Laughner

|  |      |         |  |          |
|--|------|---------|--|----------|
| Email, TC with Mr. Pierson, research Orange County Comprehensive Plan and prepare draft planning report.   | 2.25 | 1/27/15 |  | \$416.25 |
| Email with Mr. Pierson and prepare planning report. Acquire maps and aerals and copy of the Wekiva Protection Act, study State law regarding the protection of the Wekiva River basin and related regulations.   | 2.0  | 2/2/15  |  | \$370.00 |
| Research ALFs and study Kelly Park Crossings DRI, ADA.   | 3.0  | 2/6/15  |  | \$555.00 |
| Call to the City of Apopka regarding the Comprehensive Plan and to set a meeting. Acquire maps, aerals and the Wekiva Protection Act. Study State Statute. Email, TC with Mr. Pierson regarding parent track & easement rights. Research on regional recreation complex. | 3.25 | 2/12/15 |  | \$601.25 |
| Study the Orange County Comprehensive Plan. Research the parcels condemned that were not necessary for construction of the Expressway. Research and study the Kelly Crossings DRI. Email to Mr. Pierson regarding buildout of the Kelly Park Crossing DRI/ADA.           | 2.0  | 2/16/15 |  | \$370.00 |
| Meet with planning staff at the City of Apopka.  | 2.25 | 2/24/15 |  | \$416.25 |
| Review draft planning report and transmit to Mr. Pierson.  | 0.50 | 2/26/15 |  | \$92.50  |
| Email with Mr. Hollow & Mr. Pierson, call with Mr. Pierson. Prepare planning report.   | 5.0  | 3/13/15 |  | \$925.00 |

All work done by Dale Laughner

|  |      |         |  |          |
|--|------|---------|--|----------|
| Prepare planning report.   | 1.5  | 3/24/15 |  | \$277.50 |
| Research the condemnation of sites not required for Wekiva Expressway construction, in a larger area.  | 3.50 | 3/25/15 |  | \$647.50 |
| Research the condemnation of sites not required in a larger area.  | 3.50 | 3/26/15 |  | \$647.50 |
| Email to Mr. Pierson regarding Alf locations and Kelly Park Crossing DRI. Research Pine Plantation project.  | 1.75 | 4/2/15  |  | \$323.75 |
| Email and call to Mr. Pierson regarding Alf locations. Research Orange County Land Development Code, study existing and planned sanitary sewer improvements.                       | 2.0  | 4/3/15  |  | \$370.00 |
| Email to Mr. Pierson. Research the environmental makeup of wetland purchases as compared to the subject site. Market analysis of the general area.                                 | 3.0  | 4/4/15  |  | \$555.00 |
| Email to Mr. Pierson. Find other ALF sites. Call to Orange County Planning. Prepare planning report. Research Orange County and Apopka approved plan amendments.                   | 4.25 | 4/6/15  |  | \$786.25 |
| Meeting with Apopka engineering staff regarding planned sanitary sewer improvements.   | 2.25 | 4/7/15  |  | \$416.25 |
| Email to Mr. Pierson. Research the Wekiva Protection Statute. Prepare planning report. Call to Orange County Planning Department and calls to Apopka planning regarding history of | 5.25 | 4/8/15  |  | \$971.25 |

All work done by Dale Laughner

|   |      |         |  |          |
|---|------|---------|--|----------|
| entitlements.   |      |         |  |          |
| Email to Mr. Mr. Holloway. TC with Mr. Pierson, research, map of other approved sites in area.  | 2.25 | 4/10/15 |  | \$416.25 |
| Continue research on Kelly Crossings DRI / ADA regarding access, drive time, area required for housing in Apopka and Orange County according to the Kelly Park Crossing DRI/ADA schedule of development, prepare aerials and maps, research on ALF locations.   | 4.0  | 4/13/15 |  | \$740.00 |
| Prepare planning report and email to Mr. Pierson, continue analysis of the Orange County / Apopka Ordinance.  | 2.0  | 4/15/15 |  | \$370.00 |
| Research on ALFs. Study research prepared by Apopka regarding the history of approved plan amendments, rezoning, and annexations, prepare report, prepare maps. TC with Mr. Pierson regarding Apopka research and HBU and call to Apopka Planning.  | 3.0  | 4/16/15 |  | \$555.00 |
| Research the Orange County Interchange Plan and map and location of the area of the Wekiva River basin, research the Orange County Land Development Code. Research provisions of the Apopka Comprehensive Plan Land Use Element policies, study land use plan map designation changes at the Interchange at the Kelly Park Crossing DRI/ADA and evaluate mixed use development at and around the interchange. | 1.75 | 4/17/15 |  | \$323.75 |

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|--|------|---------|--|----------|
| Researched the Orlando Sentinel to find information regarding the Lawsuit on Kelly Park Crossings, prepare planning report, locate and study the dates of condemnation on properties east of the site. | 2.75 | 4/19/15 |  | \$508.75 |
| Continue research on Properties condemned east of the property and properties condemned along the alignment of the Wekiva Expressway from Kelly Park Crossing to eastern terminus.                     | 1.5  | 4/20/15 |  | \$277.50 |
| Meeting with Mr. Pierson, and Mr. Holloway, to review site maps.   | 1.75 | 4/21/15 |  | \$325.75 |
| Research unadopted plan amendment prepared for new Land Development code, calls to Apopka Planning prepare report, research on probability of annexation.  | 4.5  | 4/22/15 |  | \$740.00 |
| Call to Apopka Planning Department regarding research on rezonings and plan amendments in Apopka and northeast Orange County.  | 1.75 | 4/23/15 |  | \$323.75 |
| ALF research, rezoning and plan amendments in Orange County, State regulations regarding development in the Wekiva River basin. TC with the Orange County Planning Department staff.                   | 1.75 | 4/24/15 |  | \$323.75 |
| Research Pine Plantation and the Expressway Authority condemnation of Parcels along the Expressway between   | 4.75 | 4/27/15 |  | \$878.75 |

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|  |      |           |  |          |
|--|------|-----------|--|----------|
| the Kelly Park Crossing to eastern terminus & Apopka service area for sanitary sewer expansion, call to Apopka utility engineering. Prepare draft planning report, aerals and maps.  |      |           |  |          |
| Email to Mr. Pierson regarding research on HBU, prepare planning report, study the entitlements of the Kelly Park Crossings DRI/ADA.   | 1.25 | 5/7/15    |  | \$231.25 |
| Continued analysis of the area required for the buildout of the Kelly Park Crossings project, analysis of the commercial, industrial and office square footage to be built and employees employed there.   | 4.0  | 5/10/15   |  | \$740.00 |
| Continue research on ALF, Call to the Apopka Planning Department, preparation of planning report.  | 3.0  | 5/11/2015 |  | \$555.00 |
| Research utilities to be provided by the Kelly Park Crossing DRI/ADA, prepare report, research into ALfs.  | 2.75 | 5/12/15   |  | \$508.75 |
| Field inspection, prepare report. Analysis of Kelly Park DRI, DO relative to future growth in the area and HRDP on the site.   | 3.25 | 5/13/15   |  | \$601.25 |
| Continue analysis of the Kelly Park Crossing DRI, DO as to size and impact in Orange County, Apopka and Lake County as to office building sizes (employees) and related homes to be built in the impact area. Same for retail and industrial uses. | 3.75 | 5/14/15   |  | \$693.75 |

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|   |       |         |  |                    |
|---|-------|---------|--|--------------------|
| Continued research on draft maps prepared by Apopka Planning.     | 1.25  | 5/15/15 |  | \$231.25           |
| Report preparation  | 3.0   | 5/19/15 |  | \$555.00           |
| Research on Adult Living Facilities, report preparation.          | 2.0   | 5/20/15 |  | \$370.00           |
| Research property purchases and ALF analysis. Report preparation. | 6.0   | 5/11/15 |  | \$1,110.00         |
| <b>Hours</b>  | 123.5 |         |  |                    |
| <b>Total</b>  |       |         |  | <b>\$22,757.00</b> |

All work done by Dale Laughner

**DAVID W. HOLLOWAY, P. A.**

**Apportionment Fees**

**CFX v. Ali/Roberts**

| <b>Date</b>  | <b>Initials</b> | <b>Description</b>   | <b>Time</b> | <b>Rate</b> | <b>Amount</b>     |
|--------------|-----------------|--|-------------|-------------|-------------------|
| 4/6/15       | DWH             | emails from and to Kurt Bauerle, Esquire re appraisal  | 0.2         | \$400       | \$80.00           |
| 4/6/15       | JR              | email to Kurt Bauerle, Esquire   | 0.2         | \$125       | \$25.00           |
| 4/17/15      | DWH             | review file; determine percentage of good faith deposit possibly due easement holders; draft Order Granting Apportionment and Withdrawal of Funds  | 2           | \$400       | \$800.00          |
| 4/17/15      | JR              | email to Kurt Bauerle, Esquire   | 0.1         | \$125       | \$12.50           |
| 4/23/15      | JR              | follow up email to Kurt Bauerle, Esquire re proposed Order   | 0.2         | \$125       | \$25.00           |
| 4/28/15      | DWH             | office conference with JR  | 0.3         | \$400       | \$120.00          |
| 4/28/15      | JR              | telephone call to Kurt Bauerle, Esquire; receipt and review of email from Kurt Bauerle, Esquire; office conference with DWH  | 0.8         | \$125       | \$100.00          |
| 4/29/15      | JR              | revise Order Granting Apportionment and Withdrawal of Funds; email to Kurt Bauerle, Esquire  | 0.3         | \$125       | \$37.50           |
| 5/4/15       | JR              | review judicial calendaring system for Judge Kest; email to Kurt Bauerle, Esquire  | 0.4         | \$125       | \$50.00           |
| 1/12/16      | DWH             | telephone call with client re apportionment; contact Kurt Bauerle, Esquire   | 0.4         | \$400       | \$160.00          |
| 1/20/16      | DWH             | contact Kurt Bauerle, Esquire to discuss apportionment   | 0.1         | \$400       | \$40.00           |
| 1/27/16      | DWH             | review file and previous Order Granting Apportionment; calculate funds possibly due easement holders; research entitlement issues; telephone call to client; conversation with Kurt Bauerle, Esquire; email to Kurt Bauerle, Esquire | 3.3         | \$400       | \$1,320.00        |
| 1/29/16      | DWH             | receipt and review of email from Kurt Bauerle, Esquire re apportionment of settlement proceeds   | 0.2         | \$400       | \$80.00           |
| 2/16/16      | DWH             | telephone call to client   | 0.5         | \$400       | \$200.00          |
| 2/17/16      | DWH             | telephone call from client re apportionment issues; email to David Shontz, Esquire   | 1.1         | \$400       | \$440.00          |
| 3/14/16      | DWH             | contact Kurt Bauerle, Esquire to discuss apportionment; set up conversation on March 15th  | 0.2         | \$400       | \$80.00           |
| 3/15/16      | DWH             | telephone call to client; telephone call and email to Kurt Bauerle, Esquire re sums to be paid easement holders  | 1.1         | \$400       | \$440.00          |
| 3/21/16      | DWH             | receipt and review of email from Kurt Bauerle, Esquire confirming apportionment amount; telephone call to client   | 0.5         | \$400       | \$200.00          |
| <b>TOTAL</b> |                 |  |             |             | <b>\$4,210.00</b> |