

# CENTRAL FLORIDA EXPRESSWAY AUTHORITY

**Agenda**  
**CENTRAL FLORIDA EXPRESSWAY AUTHORITY**  
**RIGHT-OF-WAY COMMITTEE**  
**December 1, 2016**  
**10:00 a.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** – October 26, 2016 **TAB A**  
Requesting approval of the 10/26/16 minutes. **Action Item.**
4. **S.R. 414 (CFX) MAITLAND BOULEVARD EXTENSION PROJECT / PHASE 2**  
**(PROJECT 429-200) PARCEL 229A - PART A** – *Deborah Keeter, Atkins* **TAB B**  
Requesting the Committee's recommendation for Board approval for acceptance of Special Warranty Deed from Emerson Point Phase II, LLC to CFX. **Action Item.**
5. **S.R. 429 (MORRIS) WEKIVA PARKWAY PROJECT (PROJECT 429-205)**  
**PARCELS 287 AND 887** – *Sidney Calloway, 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 (HMF, LLC) WEKIVA PARKWAY PROJECT (PROJECT 429-204)**  
**PARCEL 301** – *Linda Brehmer Lanosa, CFX* **TAB D**  
Requesting the Committee's recommendation for Board approval of the proposed Mediated Settlement Agreement. **Action Item.**
7. **RIGHT OF WAY LEGAL COUNSEL – RENEWAL OF CONTRACTS**  
*Joseph L. Passiatore, CFX* **TAB E**  
Renewal of Right of Way Counsel Contracts for a six (6) month term with Winderwee, Haines, Ward and Woodman, P.A. (Contract Number 000427) and for a one (1) year term with Shutts & Bowen (Contract Number 000930).  
**Action Item.**
8. **OTHER BUSINESS**
9. **ADJOURNMENT**

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 [Iranetta.dennis@CFXway.com](mailto:Iranetta.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**  
**October 26, 2016**  
**Location: CFX Boardroom**

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Committee Members Present:

Bob Babcock, Orange County Representative Alternate, Committee Chairman  
Sandy Minkoff, Lake County Representative  
Laurie Botts, City of Orlando Representative  
Frank Raymond, Osceola County Representative  
Christopher Murvin, Citizen Representative  
Neil Newton, Seminole County Representative

Committee Member Not Present:

Brendon Dedekind, 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 Babcock.

**Item 2: PUBLIC COMMENT**

There was no public comment.

**Item 3: APPROVAL OF MINUTES**

**Action:** A motion was made by Mr. Murvin and seconded by Mr. Raymond to approve the September 28, 2016 Right of Way Committee meeting minutes as presented.

**Vote:** The motion carried unanimously with six (6) members present and voting AYE by voice vote. Mr. Dedekind was not present.

**Item 4: S.R. 429 (KING) WEKIVA PARKWAY PROJECT (PROJECT 429-204) PARCEL 238**

Mr. Shontz is seeking the Committee's recommendation for Board approval of a proposed settlement with Michael J. and Pamela King (the "Owners"). Mr. Shontz provided the Committee with the description and the background on the parcel.

CFX retained the appraisal services of David Hall of Bullard, Hall & Adams, Inc. Mr. Hall opined the total value of the taking is \$74,100. The Owners were represented by D. Mark Natirboff. The Owners retained the appraisal services of Grant Austin of American Valuation. Mr. Austin opined the total value of taking is \$173,000.

After an entire day of mediation, the Mediated Settlement Agreement was reached which provides for a total of \$134,500 in full settlement of all claims for compensation by the Owners, plus \$19,932 statutory attorney's fees, a reduced sum of \$16,266 for the experts, for a total of \$170,698.

**Action: A motion was made by Mr. Raymond and seconded by Mr. Murvin to recommend to the Board approval of the proposed Mediated Settlement Agreement in the amount of \$170,698, inclusive of attorney's fees and costs and expert fees and costs, to resolve the acquisition of Parcel 238.**

**Vote: The motion carried unanimously with six (6) members present and voting AYE by voice vote. Mr. Dedekind was not present.**

**Item 5: S.R. 429 (ALDERMAN) WEKIVA PARKWAY PROJECT (PROJECT 429-204) PARCEL 241**

Mr. Shontz is requesting the Committee's recommendation for Board approval to serve an Offer of Judgment to Daryl A. and Laura L. Alderman (the "Owners") for Parcel 241 in the amount of \$1,239,400. CFX retained the appraisal services of David Hall of Bullard, Hall and Adam. Mr. Hall estimated the total value of the taking at \$846,200.

Negotiations were attempted with Mr. Callan, but to no avail.

The Owners are eligible for and received a Replacement Housing Payment ("RHP") under the Uniform Relocation Act due to the taking of and displacement out of their home. Since the proposed Offer of Judgment is greater than CFX's appraised value, CFX is entitled to a RHP credit back from the Owners in the amount of \$94,000, which will offset the Offer of Judgment amount upon distribution, including a credit for CFX's good faith deposit. This case is currently set on the April 2017 trial docket.

Mr. Passiatore called Mr. Shontz's attention to a typo in the memo submitted to the Committee. The last paragraph of page 2 should refer to Parcel 241.

The Committee asked questions regarding statutory attorney's fees, the RHP and CFX's appraisal. These questions were answered by Mr. Shontz.

**Action: A motion was made by Mr. Minkoff and seconded by Ms. Botts to recommend to the Board approval of the Offer of Judgment in the amount of \$1,239,400, plus statutory attorney's fees for Parcel 241.**

**Vote: The motion carried unanimously with six (6) members present and voting AYE by voice vote. Mr. Dedekind was not present.**

**Item 6: S.R. 429 (BENNETT) WEKIVA PARKWAY PROJECT (PROJECT 429-204) PARCEL 260**

Mr. Shontz is requesting the Committee's recommendation for Board approval to serve an Offer of Judgment to William S. and Peggy H. Bennett (the "Owners") for Parcel 260 in the amount of \$484,740. CFX retained the appraisal services of Chad Durrance of Durrance & Associates. Mr. Durrance estimated the total value of the taking at \$325,000 (consisting of \$67,000 for the land and \$258,000 for improvements).

CFX attempted negotiations with Mr. Callan but to no avail.

The Owners are eligible for and received a Replacement Housing Payment ("RHP") under the Uniform Relocation Act due to the taking of and displacement out of their home. Accordingly, since the proposed Offer of Judgment is greater than CFX's appraised value, CFX is entitled to a RHP credit back from the Owners in the amount of \$62,716.55, which will offset the Offer of Judgment amount upon distribution, including a credit for the CFX's good faith deposit.

Mr. Minkoff opined that the amount of the Offer of Judgment is too low considering that this was the homestead of the Owners.

Discussion ensued regarding the RHP testimony at trial.

**Action: A motion was made by Ms. Botts and seconded by Mr. Murvin to recommend to the Board approval of the Offer of Judgment in the amount of \$484,740, plus statutory attorney's fees for Parcel 260.**

**Vote: The motion carried five (5) to one (1) with Ms. Botts, Mr. Murvin, Mr. Raymond, Mr. Newton and Mr. Babcock voting AYE by voice vote and Mr. Minkoff voting NAY. Mr. Dedekind was not present.**



**Item 7: S.R. 429 (DUKE ENERGY) WEKIVA PARKWAY PROJECT (PROJECT 429-204) PARCELS 252, 253, 304 AND 305**

Mr. Shontz is requesting the Committee's recommendation for Board approval of a proposed Subordination of Easements Agreement between CFX and Duke Energy Florida, LLC ("Duke") relating to Parcels 252, 253, 304, and 305. Duke will be able to re-establish the distribution transmission and distribution lines on these parcels to provide service to the remaining improvements. Accordingly, Duke has agreed to subordinate its easement interests in the above referenced parcels.

The Committee asked whether these lines will again require relocation. Staff advised that it is unlikely that future relocation of these lines due to future work on our system will be necessary.

**Action: A motion was made by Mr. Minkoff and seconded by Mr. Murvin to recommend to the Board approval of the proposed Subordination of Easements Agreement as to Parcels 252, 253, 304, and 305.**

**Vote: The motion carried unanimously with six (6) members present and voting AYE by voice vote. Mr. Dedekind was not present.**

**Item 8: S.R. 429 (MCNEIL) WEKIVA PARKWAY PROJECT (PROJECT 429-206) PARCEL 315**

Mr. Shontz is requesting the Committee's recommendation for Board approval of a negotiated settlement agreement with Curtis Wayne McNeil and Brucene Kay McNeil, Life Estate, and Daniel Leon McNeil, Jeffrie Wayne McNeil, Dawn McNeil, and Karin Renee McNeil, Remaindermen (the "Owners") as to Parcel 315. The subject parcel is the homestead of the Owners.

CFX retained the appraisal services of Richard K. MacMillan of The Appraisal Group of Central Florida. Mr. MacMillan estimated the total value of the taking and the interim use of the existing improvements at \$155,700. No appraisal has been completed by the Owners.

A negotiated settlement was reached in the amount of \$200,000 plus \$14,916 statutory attorney's fees for Parcel 315. There are no costs associated with this parcel.

Mr. Shontz confirmed for the Committee that this settlement encompasses all interests, that Mr. Bauerle has the authority to sign on behalf of the Life Estate and Remaindermen, and that the Owners do not qualify for RHP payments.

**Action: A motion was made by Mr. Raymond and seconded by Mr. Murvin to recommend to the Board approval of the proposed settlement agreement in the amount of \$214,916 in full settlement of all claims for compensation including all statutory attorney's fees for Parcel 315.**

**Vote: The motion carried unanimously with six (6) members present and voting AYE by voice vote. Mr. Dedekind was not present.**

**Item 9: S.R. 429 (EVERLY) WEKIVA PARKWAY PROJECT (PROJECT 429-204) PARCEL 242**

Mr. Shontz reminded the Committee that at last month's Committee meeting the Committee approved the service of an Offer of Judgment in the amount of \$597,840 for Parcel 242 but some Committee members requested that Mr. Shontz reanalyze the Offer for a potential increase. He opined that the Offer of Judgment approved by the Committee was reasonable but, based on the Committee's direction and further analysis, recommended an increased Offer of Judgment in the amount of \$638,463 be served as a second Offer.

Discussion ensued as to the method for calculating the Offer of Judgment and the possibility and benefit of making more than one Offer.

**Action: A motion was made by Mr. Raymond to recommend to the Board approval to serve a second Offer of Judgment, after the expiration of the 30 days required for the first offer, in the amount of \$638,463, plus statutory attorney's fees and experts' costs in full settlement of all claims for compensation in the acquisition of Parcel 242.**

Discussion ensued about the concept of serving a second Offer of Judgment.

**Vote: The motion died for lack of a second.**

**Action: A motion was made by Mr. Minkoff and seconded by Mr. Murvin not to take any further action at this time.**

**Vote: The motion carried unanimously with six (6) members present and voting AYE by voice vote. Mr. Dedekind was not present.**

Mr. Passiatore informed the Committee that, per the Orange County Clerk of the Court Efiling system, a Notice of Service of Offer of Judgment was filed on October 25, 2016.

**Item 10: S.R. 429 (KELLY) WEKIVA PARKWAY PROJECT (PROJECT 429-203) PARCELS 209 & 221**

Mr. Sidney Calloway from Shutts & Bowen is requesting the Committee's recommendation for Board approval for costs incurred by William H. Kelly, Sr., Dorothy B. Kelly and William H. Kelly, Sr., as Trustee of the William H. Kelly, Sr., Revocable Trust (the "Owners") incurred in the defense of this eminent domain case. This was a whole take of Parcels 209 and 221. There was a seven-day trial in this matter with a final

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judgment entered on December 2015. Subsequent to the entry of the Final Judgment, counsel for the Owners filed an Affidavit of Costs Incurred, which is due to be set for an evidentiary hearing if the parties cannot resolve the costs by agreement.

The invoices submitted by the Owners' Counsel have been reviewed by Mr. Calloway and CFX's experts. Mr. Calloway recommends payment of all the invoices with the exception of the invoice for appraisal services submitted by Tropical Realty Appraisal Services in the amount of \$173,063.16 and the Owners' legal team's hotel and parking expenses incurred during the seven-day trial in the total amount of \$6,881.08. He recommends that these invoice be contested and submitted to the Court for ultimate disposition.

Discussion ensued as to the costs CFX incurred for the same services versus the amount invoiced by the Owners' counsel and what the trial court may consider should there be a hearing.

**Action: A motion was made by Mr. Minkoff and seconded by Mr. Raymond to recommend to the Board approval to contest the invoices for appraisal services submitted by Tropical Realty Appraisal Services in the amount of \$173,063.16 and the miscellaneous expenses described as Owners' legal team's hotel and parking in the amount of \$6,881.08 and approval for CFX to stipulate to the remaining fees and costs in the amount of \$77,292.33 for services rendered thru trial of Parcels 209 and 221.**

**Vote: The motion carried unanimously with six (6) members present and voting AYE by voice vote. Mr. Dedekind was not present.**

**Item 11: S.R. 429 (CHAPMAN) WEKIVA PARKWAY PROJECT (PROJECT 429-202) PARCEL 219**

Mr. Sidney Calloway from Shutts & Bowen is requesting the Committee's recommendation for Board approval to serve an Offer of Judgment to Charles R. Chapman, Kim Chapman, Sr., Chapman Orchid's, Inc. (the "Owners") for Parcel 219 in the amount of \$1,375,000.

CFX retained the appraisal services of Michael McElveen of Urban Economic, Incorporated. Mr. McElveen estimated the total value of compensation for land and improvements at \$632,500. The Owners are represented by Andrew Brigham, Esquire. Discovery revealed that the Owners are asserting \$2.9 million as full compensation for the taking of Parcel 219.

The parties participated in mediation on August 14, 2015. Neither mediation nor informal settlement discussions were successful. This matter is scheduled for a jury trial on the April 10, 2017 docket.

**Action: A motion was made by Mr. Minkoff and seconded by Mr. Murvin to recommend to the Board approval to serve an Offer of Judgment in the amount of \$1,375,000 for 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 for Parcel 219.

**Vote:** The motion carried unanimously with six (6) members present and voting AYE by voice vote. Mr. Dedekind was not present.

**Item 12: S.R. 429 (SCOFIELD) WEKIVA PARKWAY PROJECT (PROJECT 429-204) PARCELS 249/256**

Mr. Cheek with Winderweedle Haines is requesting the Committee's recommendation for Board approval for a settlement with A. Tanner Scofield, III, and Cathleen P. Scofield (the "Owners").

CFX retained the appraisal services of David Hall of Bullard, Hall & Adams, Inc. Mr. Hall estimated the total value of compensation at \$304,700 (land at \$147,000 and improvements at \$157,300).

A settlement proposal was initially presented to this Committee in May 2015 which was not approved. Recent settlement negotiations have culminated in an "all-in" settlement proposal in the amount of \$522,114, including expert fees, and statutory attorney's fee based on betterment.

On behalf of the Owners, CFX paid \$25,302 to Sebastian Moving Company, \$1,378 for storage, and \$693.50 in incidental expenses. Mayflower Movers may have an additional claim for moving expenses up to \$600.00. No purchase additive was paid in this case.

The Committee asked questions, which were answered by Mr. Cheek.

**Action:** A motion was made by Mr. Murvin and seconded by Mr. Raymond to recommend to the Board approval of the proposed settlement in the amount of \$522,114 in full settlement of all claims for compensation for the acquisition of Parcels 249 and 256.

**Vote:** The motion carried unanimously with six (6) members present and voting AYE by voice vote. Mr. Dedekind was not present.

**Item 13: S.R. 417/S.R. 408 (AGREEMENT 000805) VALENCIA COLLEGE LANE (PROJECT 253E)**

Ms. Brehmer Lanosa is requesting the Committee's recommendation for Board approval of a Quit-Claim Deed transferring CFX's interest in Valencia College Lane to Orange County.

This requests relates to an agreement entered into in December 2010 with Orange County and CFX, by and through its predecessor, to improve Valencia College Lane ("VCL") near the S.R. 417 and S.R. 408 interchange. As part of this Agreement, CFX added two lanes to VCL. Recently, Orange County transmitted

its final acceptance letter. Since Orange County has accepted the work on this section of VCL, CFX is required to convey its interest in VCL to Orange County via Quit-Claim Deed.

**Action: A motion was made by Mr. Minkoff and seconded by Mr. Raymond to recommend to the Board approval of the Quit-Claim Deed to Orange County transferring CFX's interest in Valencia College Lane to Orange County (designated as CFX Parcel Nos. 1137, 1138, 1139 and 1140).**

**Vote: The motion carried unanimously with six (6) members present and voting AYE by voice vote. Mr. Dedekind was not present.**

**Item 14: OTHER BUSINESS**

Mr. Passiatore reiterated that there will not be a November Right of Way Committee meeting. The next Right of Way Committee meeting will be held December 1, 2016. This will be the last meeting of the year.

**Item 15: ADJOURNMENT**

Chairman Babcock adjourned the meeting at approximately 3:25 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](mailto:publicrecords@CFXWay.com) or 4974 ORL Tower Road, Orlando, FL 32807.*

# Tab B



## MEMORANDUM

TO: Central Florida Expressway Authority  
Right-of-Way Committee

FROM: Deborah D. Keeter  
Atkins



DATE: November 14, 2016

Re: Central Florida Expressway Authority  
Marden Road Interchange  
SR 414 / Project 414-314

### Background and History:

This is a follow-up to an item on the August 2016 Right of Way Committee agenda.

In October 2015, Central Florida Expressway Authority, Emerson Point Assoc., LLLP and Emerson Point Phase II, LLC entered into the Marden Road Interchange Agreement which provides for the construction of a half diamond interchange (to and from the east) on SR 414 at Marden Road. The terms of the Agreement require the Developer to prepare the plans for CFX approval, donate to CFX the land for the ramp on the north side, and pay for construction. The ramp on the south side will be constructed on existing CFX property.

In August of 2016 the City of Apopka requested that round-a-bouts be constructed along Marden Rd. at each ramp. This necessitated both Emerson and CFX conveying small parcels of right-of-way to the City. The Right of Way Committee recommended to the Board that CFX convey the required right of way to the City and to accept the right of way necessary for the west bound exit ramp. This action was subsequently approved by the Board, deeds executed, exchanged and recorded.

### Current:

Subsequent to the above action, the developer has acquired additional land adjacent to SR 414 and would like to donate a portion to CFX. Adding this additional parcel to SR 414 will allow the developer to eliminate the construction of a wall and replace it with embankment, resulting in a cost savings to the developer. An Exhibit depicting the property proposed to be conveyed, as well as the parcels previously conveyed, is attached for your review, along with the proposed deed and legal.

CFX engineering has approved the concept, subject to final approval of the construction plans.

Central Florida Expressway Authority  
Right-of-Way Committee  
November 15, 2016  
Page Two

**Recommendation:**

We recommend that the Right-of-Way Committee recommend to the CFX Board to accept this conveyance of property, upon receipt of satisfactory evidence of clear title.

**Attachments:**

Exhibit  
Proposed Deed

This instrument prepared by  
AND SHOULD BE RETURNED TO:

Ted. B. Edwards, Esq.  
Law Office of Ted B. Edwards, P.A.  
1350 Orange Avenue  
Suite 260  
Winter Park, FL 32789

Purchase Price: Donation  
Documentary Stamps Due: \$0.70

SPECIAL WARRANTY DEED

THIS INDENTURE, made this 1<sup>st</sup> day of November, 2016, by **EMERSON POINT PHASE II, LLC**, a Florida limited liability company, whose address is 1350 Orange Avenue, Suite 250, Winter Park, FL 32789 ("**Grantor**"), in favor of **CENTRAL FLORIDA EXPRESSWAY AUTHORITY**, an expressway authority established under the laws of the State of Florida, whose address is 4947 Orlando Tower Road, Orlando, Florida 32807 ("**Grantee**").

Wherever used herein, the terms "Grantor" and "Grantee" shall include singular and plural, heirs, legal representatives, and assigns of individuals, and the successors and assigns of partnerships and corporations, wherever the context so permits or requires.

**WITNESSETH:**

**GRANTOR**, for and in consideration of the sum of TEN DOLLARS (\$10.00) to it in hand paid by Grantee and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the Grantee, all of that certain land situate and lying in Orange County, Florida, to-wit:

See **Composite Exhibit "A"** attached hereto and made a part hereof by this reference (the "**Property**").

**TOGETHER** with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

**TO HAVE AND TO HOLD** the same in fee simple forever.

**AND**, Grantor hereby warrants with the Grantee that the Grantor is lawfully seized of the Property in fee simple; that the Grantor has good, right and lawful authority to sell and convey the Property; that the Grantor hereby fully warrants the title to the Property and will defend the same against the lawful claims of all persons claiming by through or under the Grantor but against none other; and that the property is free and clear of all liens and encumbrances, subject to taxes accruing subsequent to December 31, 2015, and any and all covenants, conditions, restrictions, and matters of public record the reference to which shall not serve to reimpose the same.



IN WITNESS WHEREOF, Grantor has caused these presents to be executed in the name by its lawful representative hereunto duly authorized, on the date first written above.

Signed, sealed and delivered in the presence of:

EMERSON POINT PHASE II, LLC, a Florida limited liability company

[Signature]  
Print Name: Robert Case

By: [Signature]  
Print Name: Michael E. Wright  
Title: Manager

[Signature]  
Print Name: Maddelyn Boelter

Date: November 1, 2016  
By: [Signature]

[Signature]  
Print Name: Robert Case

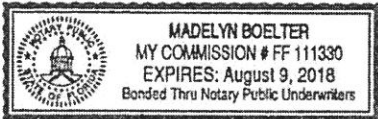
Print Name: Mary L. Demetree  
Title: Manager

[Signature]  
Print Name: Matthew Stiefel

Date: November 1, 2016

STATE OF FLORIDA  
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this 1<sup>st</sup> day of Nov., 2016, by Michael E. Wright, as Manager for **EMERSON POINT PHASE II, LLC**, a Florida limited liability company, on behalf of the company. He is personally known to me or has produced N/A as identification.

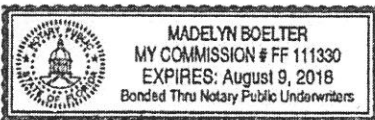


[Signature]  
Signature of Notary Public

Madelyn Boelter  
Typed name of Notary Public

STATE OF FLORIDA  
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this 1<sup>st</sup> day of Nov., 2016, by Mary L. Demetree, as Manager for **EMERSON POINT PHASE II, LLC**, a Florida limited liability company, on behalf of the company. She is personally known to me or has produced N/A as identification.



[Signature]  
Signature of Notary Public

Madelyn Boelter  
Typed name of Notary Public

[Affix Notary Seal]

**COMPOSITE EXHIBIT "A"**  
**LEGAL DESCRIPTION OF PROPERTY**

CENTRAL FLORIDA EXPRESSWAY AUTHORITY  
 STATE ROAD 414 - PROJECT NO. 414-314  
 LIMITED ACCESS RIGHT OF WAY  
 ESTATE: FEE SIMPLE

LEGAL DESCRIPTION:

A PORTION OF SECTION 21, TOWNSHIP 21 SOUTH, RANGE 28 EAST, ORANGE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT A FOUND RAILROAD SPIKE WITH X-CUT MARKING THE NORTHWEST CORNER OF SECTION 21, TOWNSHIP 21 SOUTH, RANGE 28 EAST, ORANGE COUNTY, FLORIDA; THENCE RUN SOUTH 88°57'32" EAST, ALONG THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 21, FOR A DISTANCE OF 30.00 FEET, TO A POINT ON THE EXISTING EAST RIGHT-OF-WAY LINE OF MARDEN ROAD, AS DESCRIBED IN DEED BOOK 543, PAGE 3 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; THENCE RUN SOUTH 00°15'46" WEST, ALONG THE EXISTING EAST RIGHT-OF-WAY LINE OF SAID MARDEN ROAD, FOR A DISTANCE OF 469.29 FEET, TO A POINT AT THE INTERSECTION OF THE EXISTING EAST RIGHT-OF-WAY LINE OF SAID MARDEN ROAD WITH THE EXISTING NORTH LIMITED ACCESS RIGHT-OF-WAY LINE OF STATE ROAD NUMBER 414, AS SHOWN ON THE ORLANDO-ORANGE COUNTY EXPRESSWAY AUTHORITY RIGHT-OF-WAY MAP, PROJECT 429-200, SAID POINT ALSO BEING ON A NON-TANGENT CURVE CONCAVE TO THE SOUTHWEST; THENCE RUN SOUTHEASTERLY ALONG THE EXISTING NORTH LIMITED ACCESS RIGHT-OF-WAY LINE OF SAID STATE ROAD NUMBER 414 AND ALONG SAID CURVE, HAVING A RADIUS OF 4,360.00 FEET, A CENTRAL ANGLE OF 6°30'12", AN ARC LENGTH OF 494.89 FEET, A CHORD LENGTH OF 494.62 FEET AND A CHORD BEARING OF SOUTH 81°10'06" EAST; THENCE RUN SOUTH 70°08'59" EAST, ALONG THE EXISTING NORTH LIMITED ACCESS RIGHT-OF-WAY LINE OF SAID STATE ROAD NUMBER 414, FOR A DISTANCE OF 589.24 FEET, TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE SOUTHWEST; THENCE RUN SOUTHEASTERLY ALONG THE EXISTING NORTH LIMITED ACCESS RIGHT-OF-WAY LINE OF SAID STATE ROAD NUMBER 414 AND ALONG SAID CURVE, HAVING A RADIUS OF 4,320.00 FEET, A CENTRAL ANGLE OF 3°40'16", AN ARC LENGTH OF 276.79 FEET, A CHORD LENGTH OF 276.74 FEET AND A CHORD BEARING OF SOUTH 68°18'51" EAST, TO A POINT AT THE INTERSECTION OF THE EXISTING NORTH LIMITED ACCESS RIGHT-OF-WAY LINE OF SAID STATE ROAD NUMBER 414 WITH THE EAST LINE OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 21; THENCE CONTINUE SOUTHEASTERLY ALONG THE EXISTING NORTH LIMITED ACCESS RIGHT-OF-WAY LINE OF SAID STATE ROAD NUMBER 414 AND ALONG SAID CURVE, HAVING A RADIUS OF 4,320.00 FEET, A CENTRAL ANGLE OF 13°02'24", AN ARC LENGTH OF 983.19 FEET, A CHORD LENGTH OF 981.07 FEET AND A CHORD BEARING OF SOUTH 59°57'31" EAST TO THE POINT OF BEGINNING, SAID POINT ALSO BEING AT THE INTERSECTION OF THE EXISTING NORTH LIMITED ACCESS RIGHT-OF-WAY LINE OF SAID STATE ROAD NUMBER 414 WITH THE SOUTH LINE OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 21; THENCE CONTINUE SOUTHEASTERLY ALONG THE EXISTING NORTH LIMITED ACCESS RIGHT-OF-WAY LINE OF SAID STATE ROAD NUMBER 414 AND ALONG SAID CURVE, HAVING A RADIUS OF 4,320.00 FEET, A CENTRAL ANGLE OF 6°47'18", AN ARC LENGTH OF 511.83 FEET, A CHORD LENGTH OF 511.54 FEET AND A CHORD BEARING OF SOUTH 50°02'40" EAST; THENCE RUN NORTH 40°26'43" WEST, FOR A DISTANCE OF 279.12 FEET; THENCE RUN NORTH 44°52'33" WEST, FOR A DISTANCE OF 162.32 FEET, TO A POINT ON THE SOUTH LINE OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 21; THENCE CONTINUE NORTH 44°52'33" WEST, FOR A DISTANCE OF 48.81 FEET; THENCE RUN NORTH 46°52'34" WEST, FOR A DISTANCE OF 91.44 FEET; THENCE RUN SOUTH 02°46'48" EAST, FOR A DISTANCE OF 96.15 FEET, TO THE POINT OF BEGINNING.

TOGETHER WITH ALL RIGHTS OF INGRESS, EGRESS, LIGHT, AIR AND VIEW TO, FROM OR ACROSS ANY OF THE ABOVE DESCRIBED RIGHT-OF-WAY PROPERTY WHICH MAY OTHERWISE ACCRUE TO ANY PROPERTY ADJOINING SAID RIGHT-OF-WAY.

CONTAINING 19,520 SQUARE FEET OR 0.45 ACRES, MORE OR LESS.

SURVEY CERTIFICATION:

I HEREBY CERTIFY THAT THE INFORMATION PROVIDED HEREIN IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, THAT THE INFORMATION WAS GATHERED AND PREPARED UNDER MY DIRECT SUPERVISION, AND THAT ALL INFORMATION CONFIRMS TO THE STANDARDS OF PRACTICE AS SET FORTH IN RULE 5J-17, ADOPTED BY THE FLORIDA BOARD OF SURVEYORS AND MAPPERS, PURSUANT TO FLORIDA STATUTE 472 AS APPLICABLE.

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3. NOT VALID WITHOUT ALL SHEETS.

Date Corey A. Hopkins, LS 6743

No.	Revisions	Date
1	Sketch of Description	10/26/16
2		
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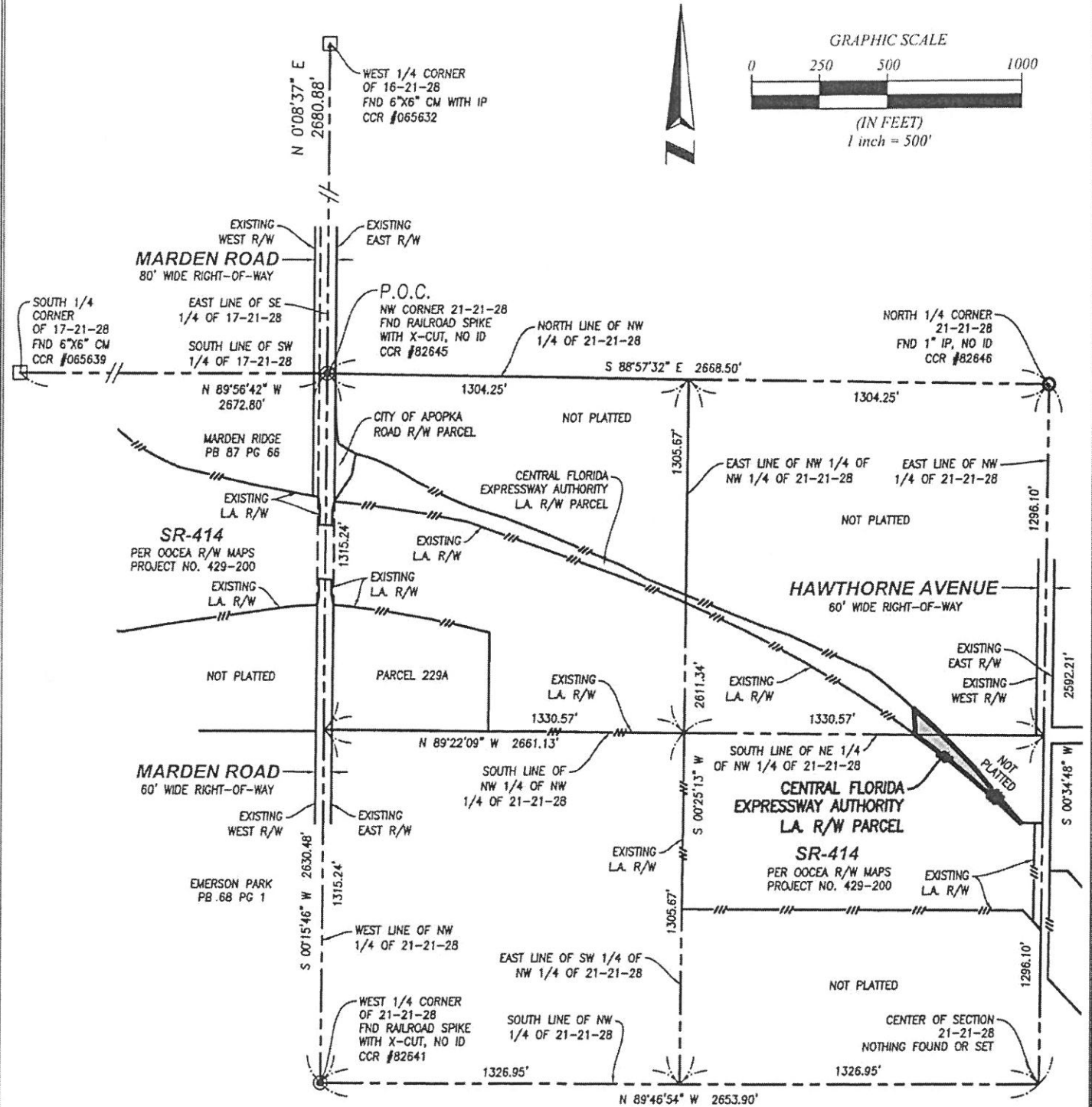


On the Mark Surveying, LLC  
 LB 7931  
 143 Meadow Boulevard  
 Sanford, Florida 32771  
 Phone: (321)626-6376  
 Email: OTMSurveying@gmail.com

SKETCH OF  
 DESCRIPTION

Field Date: N/A	Drawn by: CAH
Scale: N/A	Checked by: CAH
Sheet 1 of 7	Job Number: EMERSON

CENTRAL FLORIDA EXPRESSWAY AUTHORITY  
 STATE ROAD 414 – PROJECT NO. 414-314  
 LIMITED ACCESS RIGHT OF WAY  
 ESTATE: FEE SIMPLE



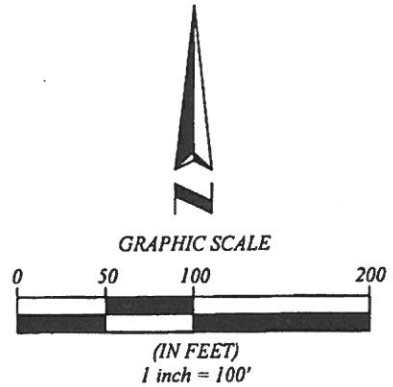
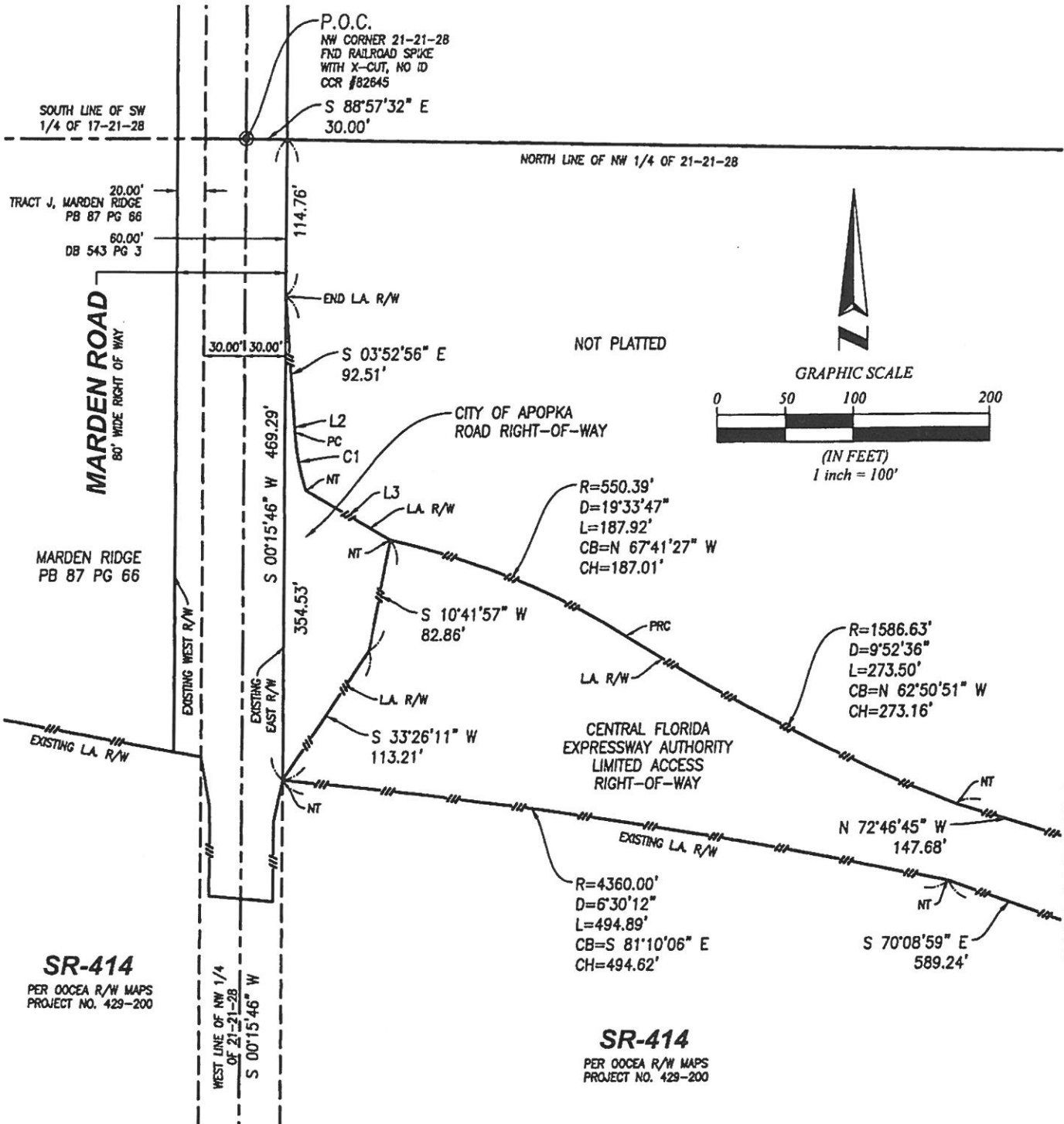
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Scale: 1" = 500'	Checked by: CAH
Sheet 2 of 7	Job Number: EMERSON

CENTRAL FLORIDA EXPRESSWAY AUTHORITY  
 STATE ROAD 414 - PROJECT NO. 414-314  
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SEE SHEET 4

**SR-414**

PER OOCEA R/W MAPS  
 PROJECT NO. 429-200

**SR-414**

PER OOCEA R/W MAPS  
 PROJECT NO. 429-200

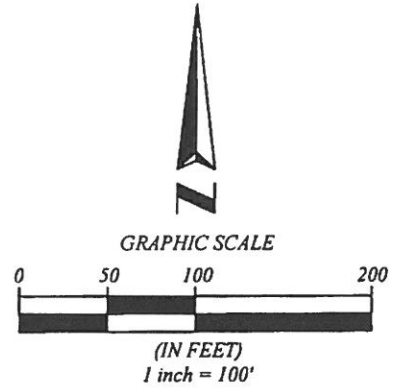
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Scale: 1" = 100'	Checked by: CAH
Sheet 3 of 7	Job Number: EMERSON

CENTRAL FLORIDA EXPRESSWAY AUTHORITY  
 STATE ROAD 414 – PROJECT NO. 414-314  
 LIMITED ACCESS RIGHT OF WAY  
 ESTATE: FEE SIMPLE



SEE SHEET 3

NOT PLATTED

CENTRAL FLORIDA EXPRESSWAY AUTHORITY LIMITED ACCESS RIGHT-OF-WAY

EAST LINE OF NW 1/4 OF NW 1/4 OF 21-28

SEE SHEET 5

N 72°46'45" W  
147.68'

N 68°04'05" W  
162.90'

N 67°00'49" W 300.03'

S 70°08'59" E 589.24'

N 62°04'31" W  
100.50'

N 67°47'09" W  
477.29'

R=4320.00'  
 D=3°40'16"  
 L=276.79'  
 CB=S 68°18'51" E  
 CH=276.74'

**SR-414**

PER OOCEA R/W MAPS  
 PROJECT NO. 429-200

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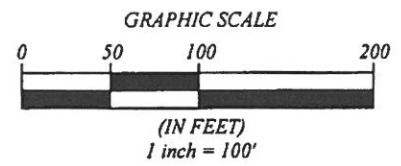
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CENTRAL FLORIDA EXPRESSWAY AUTHORITY  
 STATE ROAD 414 - PROJECT NO. 414-314  
 LIMITED ACCESS RIGHT OF WAY  
 ESTATE: FEE SIMPLE



NOT PLATTED

SEE SHEET 4

EAST LINE OF NW 1/4 OF  
 NW 1/4 OF 21-21-28

N 67°47'09" W 477.29'

CENTRAL FLORIDA  
 EXPRESSWAY AUTHORITY  
 LIMITED ACCESS  
 RIGHT-OF-WAY

N 71°44'48" W 91.73'

EXISTING L.A. R/W

L.A. R/W

N 65°20'36" W 328.55'

R=4320.00'  
 D=13°02'24"  
 L=983.19'  
 CB=S 59°57'31" E  
 CH=981.07'


NT

SEE SHEET 6

**SR-414**

PER OOCEA R/W MAPS  
 PROJECT NO. 429-200

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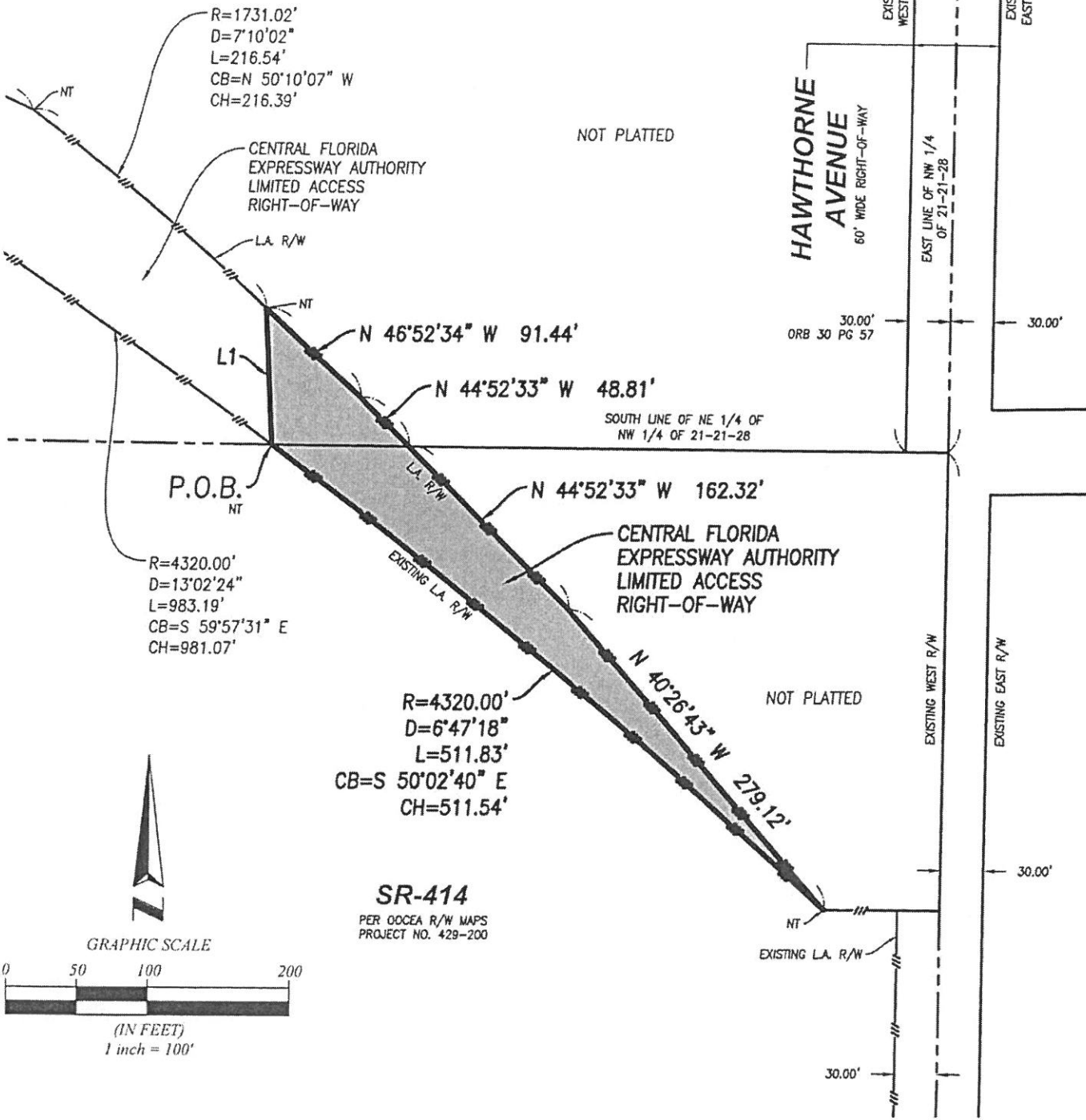
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Sheet 5 of 7	Job Number: EMERSON

CENTRAL FLORIDA EXPRESSWAY AUTHORITY  
 STATE ROAD 414 - PROJECT NO. 414-314  
 LIMITED ACCESS RIGHT OF WAY  
 ESTATE: FEE SIMPLE

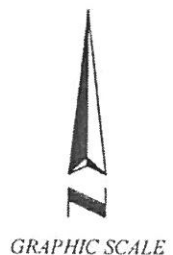
SEE SHEET 5



P.O.B.  
NT

**SR-414**

PER GOCEA R/W MAPS  
 PROJECT NO. 429-200



GRAPHIC SCALE  
 (IN FEET)  
 1 inch = 100'

No.	Revisions	Date
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Sheet 6 of 7	Job Number: EMERSON

CENTRAL FLORIDA EXPRESSWAY AUTHORITY  
 STATE ROAD 414 - PROJECT NO. 414-314  
 LIMITED ACCESS RIGHT OF WAY  
 ESTATE: FEE SIMPLE

CURVE TABLE					
CURVE	RADIUS	DELTA	LENGTH	BEARING	CHORD
C1	182.00	13°35'47"	43.19	S 10°31'08" E	43.09

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S 02°46'48" E	96.15
L2	S 03°43'15" E	7.30
L3	S 59°11'36" E	71.64

LEGEND:

- |        |  |            |  |
|--------|--|------------|--|
| CB -   | CHORD BEARING  | NT -       | NON TANGENT                                    |
| CCR# - | CERTIFIED CORNER RECORD NUMBER                           | OOCEA -    | ORLANDO-ORANGE COUNTY EXPRESSWAY AUTHORITY     |
| CFX -  | CENTRAL FLORIDA EXPRESSWAY AUTHORITY                     | ORB -      | OFFICIAL RECORDS BOOK                          |
| CH -   | CHORD LENGTH   | PB -       | PLAT BOOK                                      |
| CM -   | CONCRETE MONUMENT  | PC -       | POINT OF CURVATURE                             |
| D -    | CENTRAL ANGLE  | PCC -      | POINT OF COMPOUND CURVATURE                    |
| DB -   | DEED BOOK  | PG -       | PAGE   |
| FND -  | FOUND  | P.O.B. -   | POINT OF BEGINNING                             |
| ID -   | IDENTIFICATION   | P.O.C. -   | POINT OF COMMENCEMENT                          |
| IP -   | IRON PIPE  | PRC -      | POINT OF REVERSE CURVATURE                     |
| L -    | ARC LENGTH   | PT -       | POINT OF TANGENCY                              |
| L.A. - | LIMITED ACCESS   | R -        | RADIUS   |
| LB -   | PROFESSIONAL SURVEYOR AND MAPPER BUSINESS LICENSE NUMBER | R/W -      | RIGHT-OF-WAY                                   |
| LS -   | PROFESSIONAL SURVEYOR AND MAPPER LICENSE NUMBER          | SR -       | STATE ROAD                                     |
| N/A -  | NOT APPLICABLE   | XX-XX-XX - | SECTION XX - TOWNSHIP XX SOUTH - RANGE XX EAST |
| NAD -  | NORTH AMERICAN DATUM                                     |            |  |
| NO. -  | NUMBER   |            |  |

No.	Revisions	Date
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SKETCH OF  
 DESCRIPTION

Field Date: N/A	Drawn by: CAH
Scale: N/A	Checked by: CAH
Sheet 7 of 7	Job Number: EMERSON

**This instrument prepared by**  
AND SHOULD BE RETURNED TO:

Ted. B. Edwards, Esq.  
Law Office of Ted B. Edwards, P.A.  
1350 Orange Avenue  
Suite 260  
Winter Park, FL 32789

**Purchase Price: Donation**  
**Documentary Stamps Due: \$0.70**

**SPECIAL WARRANTY DEED**

THIS INDENTURE, made this 1<sup>st</sup> day of November, 2016, by **EMERSON POINT PHASE II, LLC**, a Florida limited liability company, whose address is 1350 Orange Avenue, Suite 250, Winter Park, FL 32789 ("**Grantor**"), in favor of **CENTRAL FLORIDA EXPRESSWAY AUTHORITY**, an expressway authority established under the laws of the State of Florida, whose address is 4947 Orlando Tower Road, Orlando, Florida 32807 ("**Grantee**").

Wherever used herein, the terms "Grantor" and "Grantee" shall include singular and plural, heirs, legal representatives, and assigns of individuals, and the successors and assigns of partnerships and corporations, wherever the context so permits or requires.

**WITNESSETH:**

**GRANTOR**, for and in consideration of the sum of TEN DOLLARS (\$10.00) to it in hand paid by Grantee and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the Grantee, all of that certain land situate and lying in Orange County, Florida, to-wit:

See **Composite Exhibit "A"** attached hereto and made a part hereof by this reference (the "**Property**").

**TOGETHER** with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

**TO HAVE AND TO HOLD** the same in fee simple forever.

**AND**, Grantor hereby warrants with the Grantee that the Grantor is lawfully seized of the Property in fee simple; that the Grantor has good, right and lawful authority to sell and convey the Property; that the Grantor hereby fully warrants the title to the Property and will defend the same against the lawful claims of all persons claiming by through or under the Grantor but against none other; and that the property is free and clear of all liens and encumbrances, subject to taxes accruing subsequent to December 31, 2015, and any and all covenants, conditions, restrictions, and matters of public record the reference to which shall not serve to reimpose the same.



IN WITNESS WHEREOF, Grantor has caused these presents to be executed in the name by its lawful representative hereunto duly authorized, on the date first written above.

Signed, sealed and delivered in the presence of:

EMERSON POINT PHASE II, LLC, a Florida limited liability company

[Signature]  
Print Name: Robert Cape

By: [Signature]  
Print Name: Michael E. Wright  
Title: Manager

[Signature]  
Print Name: Madelyn Boelter

Date: November 1, 2016

[Signature]  
Print Name: Robert Cape

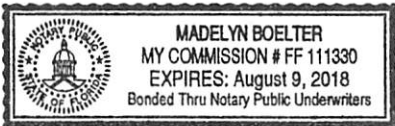
By: [Signature]  
Print Name: Mary L. Demetree  
Title: Manager

[Signature]  
Print Name: Matthew Stiefel

Date: November 1, 2016

STATE OF FLORIDA  
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this 1<sup>st</sup> day of Nov., 2016, by Michael E. Wright, as Manager for **EMERSON POINT PHASE II, LLC**, a Florida limited liability company, on behalf of the company. He is personally known to me or has produced N/A as identification.

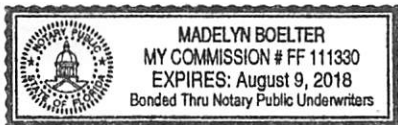


[Signature]  
Signature of Notary Public

Madelyn Boelter  
Typed name of Notary Public

STATE OF FLORIDA  
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this 1<sup>st</sup> day of Nov., 2016, by Mary L. Demetree, as Manager for **EMERSON POINT PHASE II, LLC**, a Florida limited liability company, on behalf of the company. She is personally known to me or has produced N/A as identification.



[Signature]  
Signature of Notary Public

Madelyn Boelter  
Typed name of Notary Public

[Affix Notary Seal]

**COMPOSITE EXHIBIT "A"**  
**LEGAL DESCRIPTION OF PROPERTY**

CENTRAL FLORIDA EXPRESSWAY AUTHORITY  
 STATE ROAD 414 - PROJECT NO. 414-314  
 LIMITED ACCESS RIGHT OF WAY  
 ESTATE: FEE SIMPLE

LEGAL DESCRIPTION:

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Date                      Corey A. Hopkins, LS 6743

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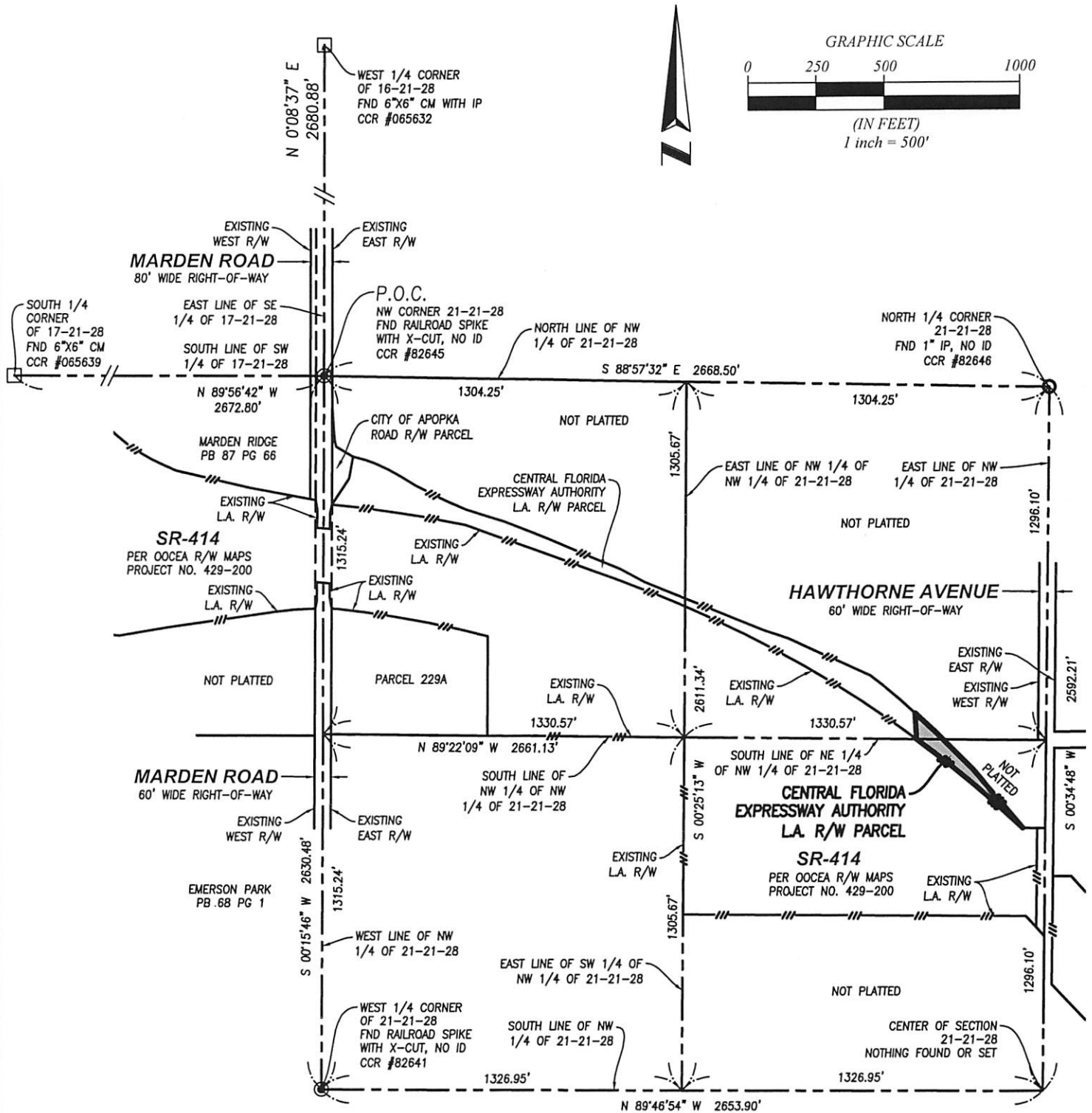
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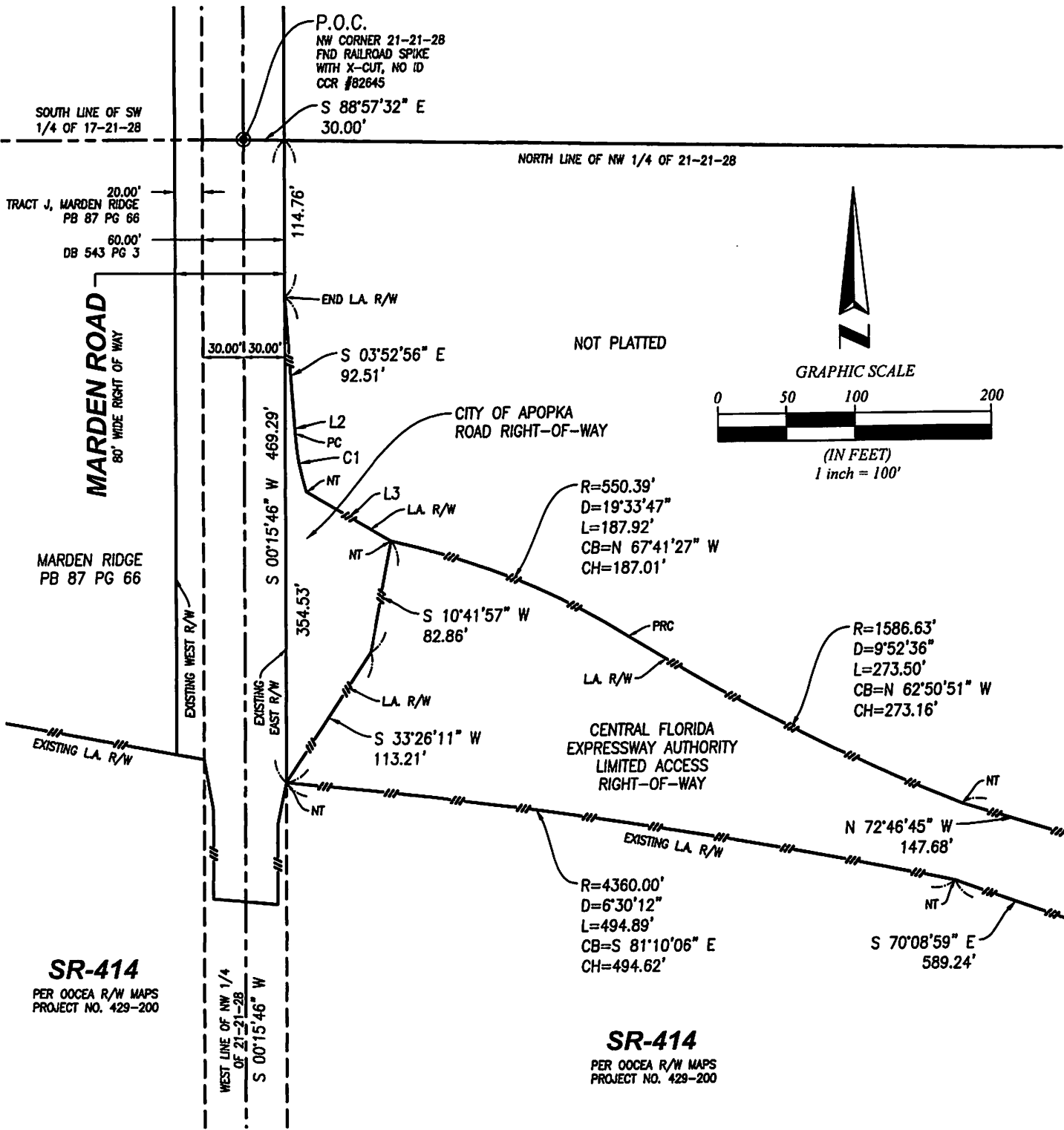
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 Email: OTMSurveying@gmail.com

**SKETCH OF DESCRIPTION**

Field Date: N/A	Drawn by: CAH
Scale: 1" = 500'	Checked by: CAH
Sheet 2 of 7	Job Number: EMERSON

CENTRAL FLORIDA EXPRESSWAY AUTHORITY  
 STATE ROAD 414 - PROJECT NO. 414-314  
 LIMITED ACCESS RIGHT OF WAY  
 ESTATE: FEE SIMPLE



SEE SHEET 4

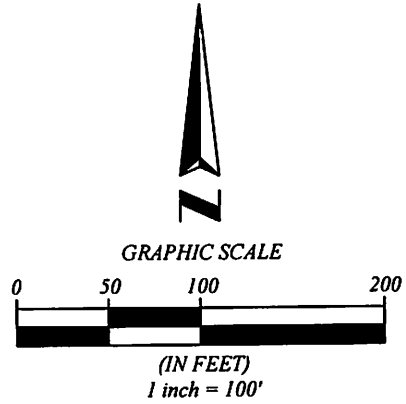
No.	Revisions	Date
1	Sketch of Description	10/26/16
2		
3		
4		
5		

**On the Mark Surveying, LLC**  
 LB 7931  
 143 Meadow Boulevard  
 Sanford, Florida 32771  
 Phone: (321)626-6376  
 Email: OTMSurveying@gmail.com

**SKETCH OF DESCRIPTION**

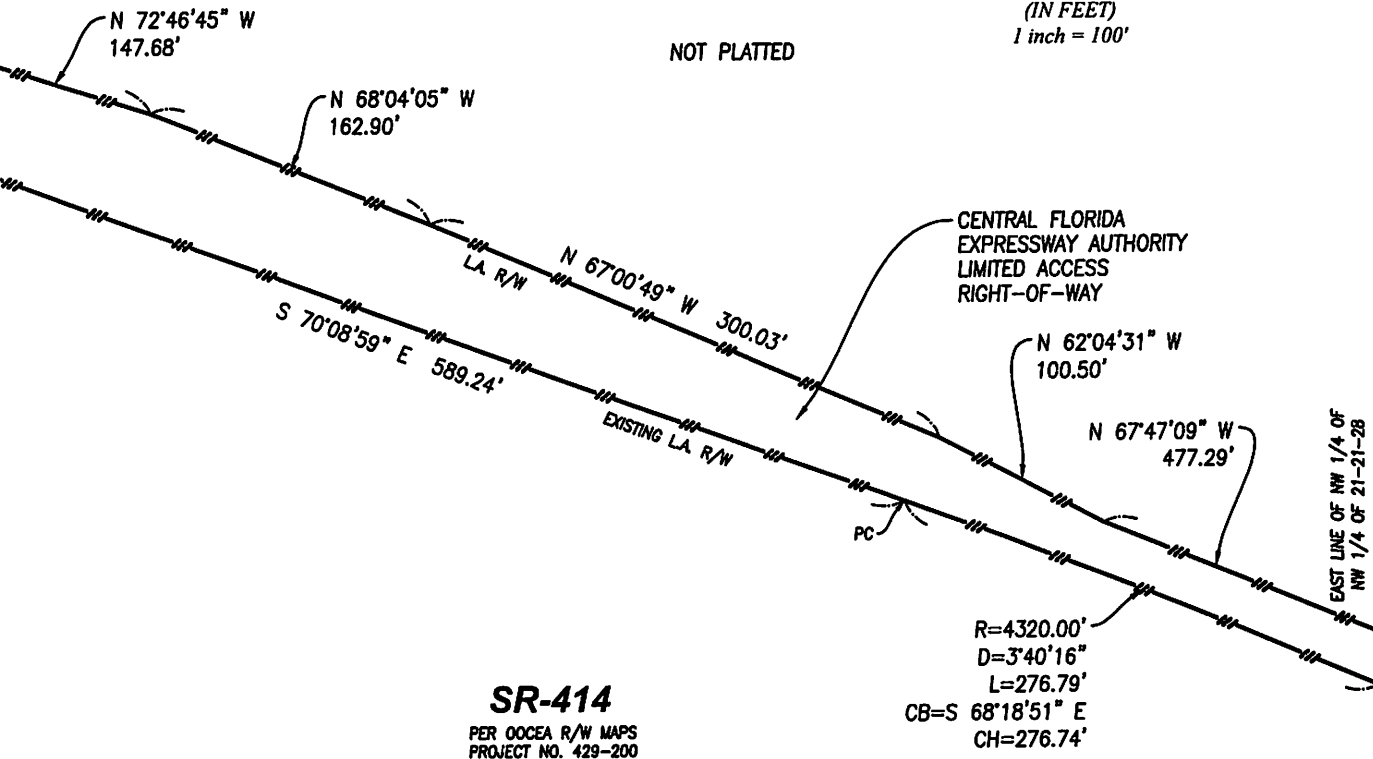
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Scale: 1" = 100'	Checked by: CAH
Sheet 3 of 7	Job Number: EMERSON

CENTRAL FLORIDA EXPRESSWAY AUTHORITY  
 STATE ROAD 414 - PROJECT NO. 414-314  
 LIMITED ACCESS RIGHT OF WAY  
 ESTATE: FEE SIMPLE



SEE SHEET 3

NOT PLATTED



**SR-414**

PER OOCEA R/W MAPS  
 PROJECT NO. 429-200

SEE SHEET 5

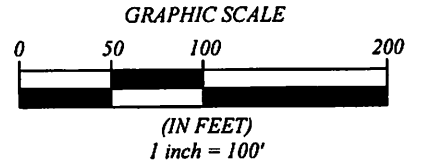
No.	Revisions	Date
1	Sketch of Description	10/26/16
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**SKETCH OF DESCRIPTION**

Field Date: N/A	Drawn by: CAH
Scale: 1" = 100'	Checked by: CAH
Sheet 4 of 7	Job Number: EMERSON

CENTRAL FLORIDA EXPRESSWAY AUTHORITY  
 STATE ROAD 414 - PROJECT NO. 414-314  
 LIMITED ACCESS RIGHT OF WAY  
 ESTATE: FEE SIMPLE



NOT PLATTED

SEE SHEET 4

EAST LINE OF NW 1/4 OF  
 NW 1/4 OF 21-21-28

N 67°47'09" W 477.29'

CENTRAL FLORIDA  
 EXPRESSWAY AUTHORITY  
 LIMITED ACCESS  
 RIGHT-OF-WAY

N 71°44'48" W 91.73'

EXISTING L.A. R/W

L.A. R/W

N 65°20'36" W 328.55'

R=4320.00'  
 D=13°02'24"  
 L=983.19'  
 CB=S 59°57'31" E  
 CH=981.07'

NT

SEE SHEET 6

**SR-414**

PER OOCEA R/W MAPS  
 PROJECT NO. 429-200

No.	Revisions	Date
1	Sketch of Description	10/26/16
2		
3		
4		
5		



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 LB 7931  
 143 Meadow Boulevard  
 Sanford, Florida 32771  
 Phone: (321)626-6376  
 Email: OTMSurveying@gmail.com

**SKETCH OF  
 DESCRIPTION**

Field Date: N/A	Drawn by: CAH
Scale: 1" = 100'	Checked by: CAH
Sheet 5 of 7	Job Number: EMERSON

CENTRAL FLORIDA EXPRESSWAY AUTHORITY  
 STATE ROAD 414 – PROJECT NO. 414-314  
 LIMITED ACCESS RIGHT OF WAY  
 ESTATE: FEE SIMPLE

SEE SHEET 5

R=1731.02'  
 D=7°10'02"  
 L=216.54'  
 CB=N 50°10'07" W  
 CH=216.39'

CENTRAL FLORIDA  
 EXPRESSWAY AUTHORITY  
 LIMITED ACCESS  
 RIGHT-OF-WAY

L.A. R/W

NOT PLATTED

HAWTHORNE  
 AVENUE  
 60' WIDE RIGHT-OF-WAY

EXISTING  
 WEST R/W

EAST LINE OF NW 1/4  
 OF 21-21-28

EXISTING  
 EAST R/W

30.00'  
 ORB 30 PG 57

30.00'

P.O.B.  
 NT

N 46°52'34" W 91.44'

N 44°52'33" W 48.81'

SOUTH LINE OF NE 1/4 OF  
 NW 1/4 OF 21-21-28

N 44°52'33" W 162.32'

CENTRAL FLORIDA  
 EXPRESSWAY AUTHORITY  
 LIMITED ACCESS  
 RIGHT-OF-WAY

R=4320.00'  
 D=13°02'24"  
 L=983.19'  
 CB=S 59°57'31" E  
 CH=981.07'

R=4320.00'  
 D=6°47'18"  
 L=511.83'  
 CB=S 50°02'40" E  
 CH=511.54'

NOT PLATTED

N 40°26'43" W 279.12'

EXISTING WEST R/W

EXISTING EAST R/W

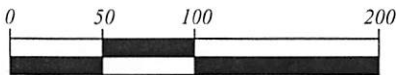
30.00'

**SR-414**

PER OOCEA R/W MAPS  
 PROJECT NO. 429-200



GRAPHIC SCALE



(IN FEET)  
 1 inch = 100'

EXISTING L.A. R/W

30.00'

No.	Revisions	Date
1	Sketch of Description	10/26/16
2		
3		
4		
5		



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 143 Meadow Boulevard  
 Sanford, Florida 32771  
 Phone: (321)626-6376  
 Email: OTMSurveying@gmail.com

**SKETCH OF  
 DESCRIPTION**

Field Date: N/A	Drawn by: CAH
Scale: 1" = 100'	Checked by: CAH
Sheet 6 of 7	Job Number: EMERSON

CENTRAL FLORIDA EXPRESSWAY AUTHORITY  
 STATE ROAD 414 – PROJECT NO. 414-314  
 LIMITED ACCESS RIGHT OF WAY  
 ESTATE: FEE SIMPLE

CURVE TABLE					
CURVE	RADIUS	DELTA	LENGTH	BEARING	CHORD
C1	182.00	13°35'47"	43.19	S 10°31'08" E	43.09

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S 02°46'48" E	96.15
L2	S 03°43'15" E	7.30
L3	S 59°11'36" E	71.64

LEGEND:

- |        |  |            |  |
|--------|--|------------|--|
| CB -   | CHORD BEARING  | NT -       | NON TANGENT                                    |
| CCR# - | CERTIFIED CORNER RECORD NUMBER                           | OOCEA -    | ORLANDO-ORANGE COUNTY EXPRESSWAY AUTHORITY     |
| CFX -  | CENTRAL FLORIDA EXPRESSWAY AUTHORITY                     | ORB -      | OFFICIAL RECORDS BOOK                          |
| CH -   | CHORD LENGTH   | PB -       | PLAT BOOK                                      |
| CM -   | CONCRETE MONUMENT  | PC -       | POINT OF CURVATURE                             |
| D -    | CENTRAL ANGLE  | PCC -      | POINT OF COMPOUND CURVATURE                    |
| DB -   | DEED BOOK  | PG -       | PAGE   |
| FND -  | FOUND  | P.O.B. -   | POINT OF BEGINNING                             |
| ID -   | IDENTIFICATION   | P.O.C. -   | POINT OF COMMENCEMENT                          |
| IP -   | IRON PIPE  | PRC -      | POINT OF REVERSE CURVATURE                     |
| L -    | ARC LENGTH   | PT -       | POINT OF TANGENCY                              |
| L.A. - | LIMITED ACCESS   | R -        | RADIUS   |
| LB -   | PROFESSIONAL SURVEYOR AND MAPPER BUSINESS LICENSE NUMBER | R/W -      | RIGHT-OF-WAY                                   |
| LS -   | PROFESSIONAL SURVEYOR AND MAPPER LICENSE NUMBER          | SR -       | STATE ROAD                                     |
| N/A -  | NOT APPLICABLE   | XX-XX-XX - | SECTION XX - TOWNSHIP XX SOUTH - RANGE XX EAST |
| NAD -  | NORTH AMERICAN DATUM                                     |            |  |
| NO. -  | NUMBER   |            |  |

No.	Revisions	Date
1	Sketch of Description	10/26/16
2		
3		
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## SKETCH OF DESCRIPTION

Field Date:	N/A	Drawn by:	CAH
Scale:	N/A	Checked by:	CAH
Sheet 7 of 7		Job Number:	EMERSON



# PROJECT 414-314

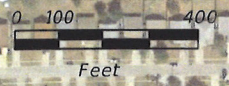


MARDEN ROAD

MARDEN ROAD

S HAWTHORNE AVE

S WASHINGTON AVE



**CENTRAL  
FLORIDA  
EXPRESSWAY  
AUTHORITY**

LEGEND	
	TO BE CONVEYED TO CFX
	PREVIOUSLY CONVEYED TO CFX
	PREVIOUSLY CONVEYED TO CITY OF APOPKA

1/15/2016 10:26:58 AM PROJECT 414-314 MARDEN RD INTERCHANGE



# Tab C



## MEMORANDUM

TO: Central Florida Expressway Authority, CLIENT-MATTER NO.: 19125.0162  
Right of Way Committee

FROM: Sidney C. Calloway, Esquire, Right-of-Way Counsel

DATE: November 17, 2016

RE: Wekiva Parkway, Project 429-205, Parcels 287/887  
Recommendation for Service of an Offer of Judgment

---

Shutts & Bowen LLP, Right-of-Way Counsel, submits the following recommendation for the Right of Way Committees approval and recommendation to the CFX Governing Board for service of an Offer of Judgment, pursuant to Section 73.032 upon Respondents, Kenneth W. Morris and Harvey Lee Morris ("Respondents") as full compensation and complete settlement of all Respondents' claims for compensation and damages associated with CFX's acquisition of Parcels 287 and 887.

### DESCRIPTION, CFX MARKET VALUE CONCLUSIONS AND RECOMMENDATION

- I. **Description.** The owners of Parcels 287 and 887 have been identified as Kenneth W. and Harvey Lee Morris. The subject parcels have been acquired by CFX in connection with the Wekiva Parkway, S.R. 429-205 Project. The parent tract from which Parcels 287 and 887 were acquired, consists of five contiguous parcels with a combined area of 36.118± acres and is improved with a large two-story home, five manufactured homes, two manufactured homes converted into an office/storage building, a large detached garage, a storage trailer, dog kennels, a historic schoolhouse building and several large sheds. The parcels are located in both Orange County and the City of Apopka and are zoned A-2 or AG, which provides for residential and agricultural uses. The future land use designations are Agricultural (city) and Rural (county).

Parcel 287 is a limited access right-of-way taking containing 10.350± acres from the parent tract. Parcel 887 is a permanent easement area encompassing 9,054 square feet of land area (0.208± acres), which will be used to construct a bridge over the property owner's current ingress/egress driveway from Haas Road.

- II. (A) **Before Land Value.** The CFX's initial and updated appraisals of the subject property were prepared by Christopher D. Starkey and Marti Matonis Hornell, both State Certified General Real Estate Appraisers employed by Integra Realty Resources (IRR). IRR concluded that the highest and best use of the property, as vacant, is for future residential development. As improved, the highest and best use of the property is for continuation as a single family residence. The Sales Comparison Approach (as vacant) used to estimate the market value of the parent tract as vacant (32.464 acres) and to value the main homestead/single family residence (3.654 acres). The adjusted sales prices for IRR's comparable sales ranged between \$21,884 and \$29,242 per usable acre, with an average of \$25,493. The estimate per acre land value of the parent tract in the before condition was concluded to be \$25,200 per acre. Thus the land value of the parent tract is estimated at **\$818,100** (32.464 acres x \$25,200). The per acre land value for the homestead site was concluded to be \$29,400, which yields a market value estimate of **\$107, 428** (\$29,400 X 3.654 acres).
- (B) Contributory Value of Building Improvements. The Income Capitalization Approach used to estimate the contributory value of the manufactured homes on the parent tract in the interim, based on the premise that the improvements could be leased and provide a cash flow until development occurs, which coincides with their remaining economic life. The contributory value of these improvements was then added to the subject property's land value conclusion to arrive at a market value estimate. The present value of the improvements was considered to be approximately \$111,241, or **\$111,250, rounded (\$22,250 average per manufactured home).**
- (C) Contributory Value of Site Improvements. The estimated value of the site improvements was concluded to be **\$116, 965.**
- (D) Value of Homestead Property. As indicated above, the sales comparison approach, which encompassed three (3) sales transactions occurring between May 2015 and June 2015, was also used to estimate the market value of the homestead site. After applicable adjustments, the adjusted price per square foot ranged from \$88.73 to \$120.41 psf., with an average of \$107.13 psf. A value indication of \$115.50 was concluded for the subject, or **\$366,250 (\$115.50 x 3,171 sf.)**
- (E) Estimate Market Value Conclusion. IRR's market value opinion for the subject property, as of the date of value (September 2, 2015) is **\$1,412,600.**

### III. Value of Part Taken

- (A) The right-of-way acquisition is located along the southern boundary of the subject property and contains 10.350± acres. However, for the purposes of valuing the the "part acquired" IRR, deducted the "economic unit" for the

homestead land (3.654 acres) from this figure. The improvements impacted by the proposed acquisition include three manufactured homes, the main homestead, totaling 3,171± heated square feet, dog kennels, two single wide manufactured homes, which have been converted into an office/storage buildings, large garage, storage trailer and metal canopy. Other improvements include landscaping consisting of grass and trees, as well as, hog wire fencing and three metal gates, which provide access into the field. A sketch of the Part Acquired is attached to this Memorandum as Exhibit "A".

The value of the land taken is \$168,739 (10.350 – 3.654 acres= 6.696 acres x \$25,200). The improvements are estimated to be \$550,000. Total compensation for land and improvements taken) is \$718,750 (\$168,739 + \$550,000).

(B) Description and Value of Parcel 887-Permanent Easement

Parcel 887 consists of 9,054 square feet of the unimproved driveway providing access to the subject property from Haas Road. As such, it is located within the "effective" homestead site 1.046± acres, which itself is encumbered by an existing ingress/egress easement. This easement area is subject to an agreement with the adjoining property owners (dominant estate) for ingress/egress. Given its subservient status, IRR concluded that the "taking" results in a 50% loss of the property owners' "bundle of rights". Consequently, the estimate value of Parcel 887 is concluded to be:

**9,054 sf. X \$14, 700 per acre= \$3, 058, or \$3, 060 Rounded**

IV. **Valuation of Remainder Property**

(A) Description. The remainder description is similar to the before condition with the exception of size and shape. The taking represents a 30%± reduction in size. After the taking, two manufactured homes will remain, but will be within several hundred feet from the proposed Wekiva Parkway. The property will still have sufficient access via the unpaved driveway from Haas Road. Any fencing replacement will be at the cost and discretion of the property owner, since compensation has been provided for the cost of the fence and gates located within the area of the part taken. A sketch of the remainder property is attached hereto as Exhibit "B".

(B) Highest and Best Use. Holding the property for future development of agricultural/residential development is concluded to be the highest and best use of the property as if vacant. As in the before condition, the highest and best use as improved is for the continued interim use for the remaining rental homes.

(C) Value of Remaining Building Improvements. The "before" combined rental estimate equaled \$3,500 per month. In the "after" scenario three of the

manufactured homes will be removed and their estimated market rent would be \$500 per month, indicating a combined rental estimate of \$1,000 per month. The annual contributory value of these improvements, after consideration of vacancy, expenses, and a discount rate is estimated to be \$28,430.

- (D) Land Value Damage Loss Due to Proximity. As a result of the acquisition of Parcels 287 and 887, the remainder property's proximity to the Wekiva Parkway is concluded to be the principle cause of damage to the remainder property. Aside from the loss of 3 of the manufactured home, the remainder property is also adversely affected by the loss of privacy and proximity to the Parkway (400 from the further manufactured home and 100 feet from the closest). These after take characteristics, which also include noise, visual impacts and loss of the rural country appeal, undermine the marketability of the site for residential use.

IRR concludes that the diminution in value to the subject property is 40%. The after take value of the Parcel 887 easement is **\$1,835** (9,054 sf x \$14,700 per acre x .60). The remainder property (25.768 acres) is thus valued at **\$389,612** (25.768 x \$15,120 per acre) (\$25,200 per acre x .60). The total valuation conclusion for the remainder property, as of September 2, 2015), is **\$391,600**. **Severance damages of \$302,250** are described as the difference between the Remainder as part of the whole before the take (\$693,850 and remainder value in the after (\$391,600).

- V. **Summary of Compensation**. The compensation due as a result of the taking of Parcels 287 and 887, include the cost to cure and maintain the functionality of the remainder property (hard and soft costs associated with replacement fencing/gates) is:

<u>Parcel 287</u>	
Part Taken	\$718,750
Severance Damages	\$302,250
Cost to Cure	\$7,686
<b>Total compensation</b>	<b>\$1,028,686 or \$1,030,000</b>

<u>Parcel 887</u>	
<b>Total compensation</b>	<b>\$3,060</b>

- VI. **Procedural Status of Case and Recommendation**

This matter is scheduled for a jury trial on the court's five (5) day jury trial docket beginning November 20, 2017. A jury trial is likely to require between five and seven business days to complete. Additionally, the parties will likely engage in significant pretrial discovery, including depositions, particularly given the fact that Respondents' have not, to date, completed or disclosed any expert reports concerning their opinions on the compensation due as a result of the acquisition of Parcels 287 and 887. Instead,



Respondents requested (and received) court ordered continuances of the previously set trial dates, which included case management and discovery deadlines for disclosure of both expert witnesses and their respective written reports. It is anticipated that Respondents will comply with the established Uniform Order Setting Jury Trial and Case Management Deadlines associated with the referenced trial docket. It is also contemplated that the parties will also prepare for, prosecute and defend several pre-trial motions in limine.

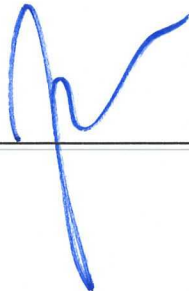
In an effort to resolve this case, minimize CFX's litigation expenses and costs and potentially cap the expenses and costs that are likely to be incurred by Respondents (which are recoverable against the CFX) it is recommended that CFX serve Respondents with an Offer of Judgment ("OJ"), which if accepted, would completely resolve the case, excepting attorney's fees and costs (experts). On the other hand, if the OJ is either rejected or not accepted by Respondents within 30 days from receipt of the OJ, and a jury subsequently renders a verdict equal to or less than the Offer of Judgment, then the property owner shall not recover any expenses or costs (including their expert witness fees), incurred after the expiration date of the OJ.

At this time we have extensive knowledge of various Wekiva Parkway Project property owners' market valuation approaches this project. We are also familiar with the positions taken by Respondents' legal counsel and experts, as well as prior court rulings, settlements and jury trial verdicts. ***Given such, I recommend that CFX serve Respondents with an Offer of Judgment to fully settle Respondents' claims as to Parcels 287 and 887 in the amount of \$1,442,000.*** The recommended Offer of Judgment reflects CFX's expert appraisal valuation of the Respondents property plus a 40% incentive to induce a settlement with Respondents, but also leverage its intended effectiveness in the event Respondent's reject or ignore the Offer of Judgment.

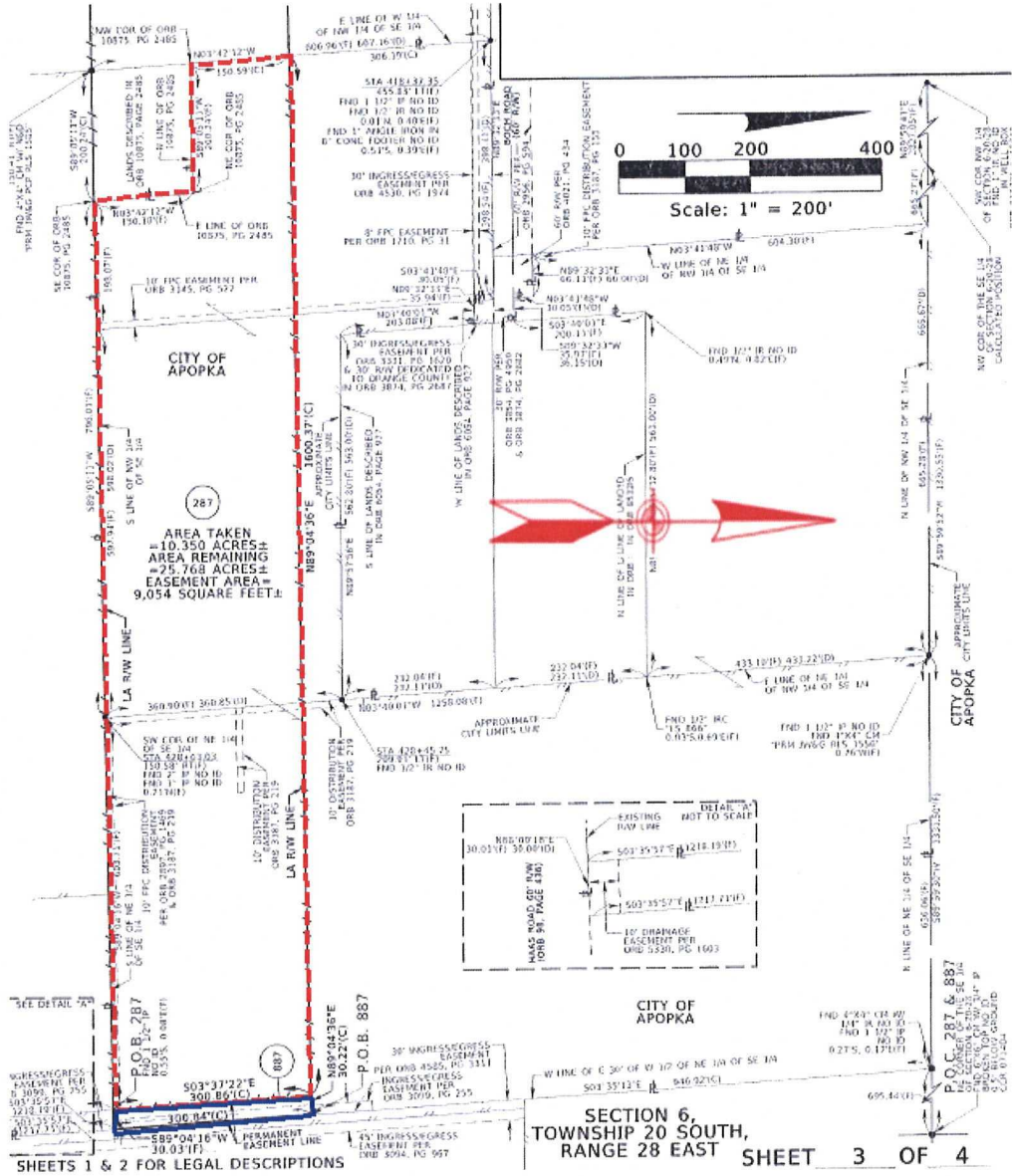
#### **RECOMMENDATION**

For the reasons set forth in this Memorandum, Right-of-Way counsel respectfully request that the Right of Way Committee approve counsel's recommendation to the Governing Board for service of the Offer of Judgment in the amount of \$1,442,000, in full settlement of all Respondents' for full compensation for the taking of Parcels 287 and 887. The recommended Offer of Judgment does not include Respondents' statutory attorney's fees or costs under section 73.092 and 73.091, Florida Statutes.

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



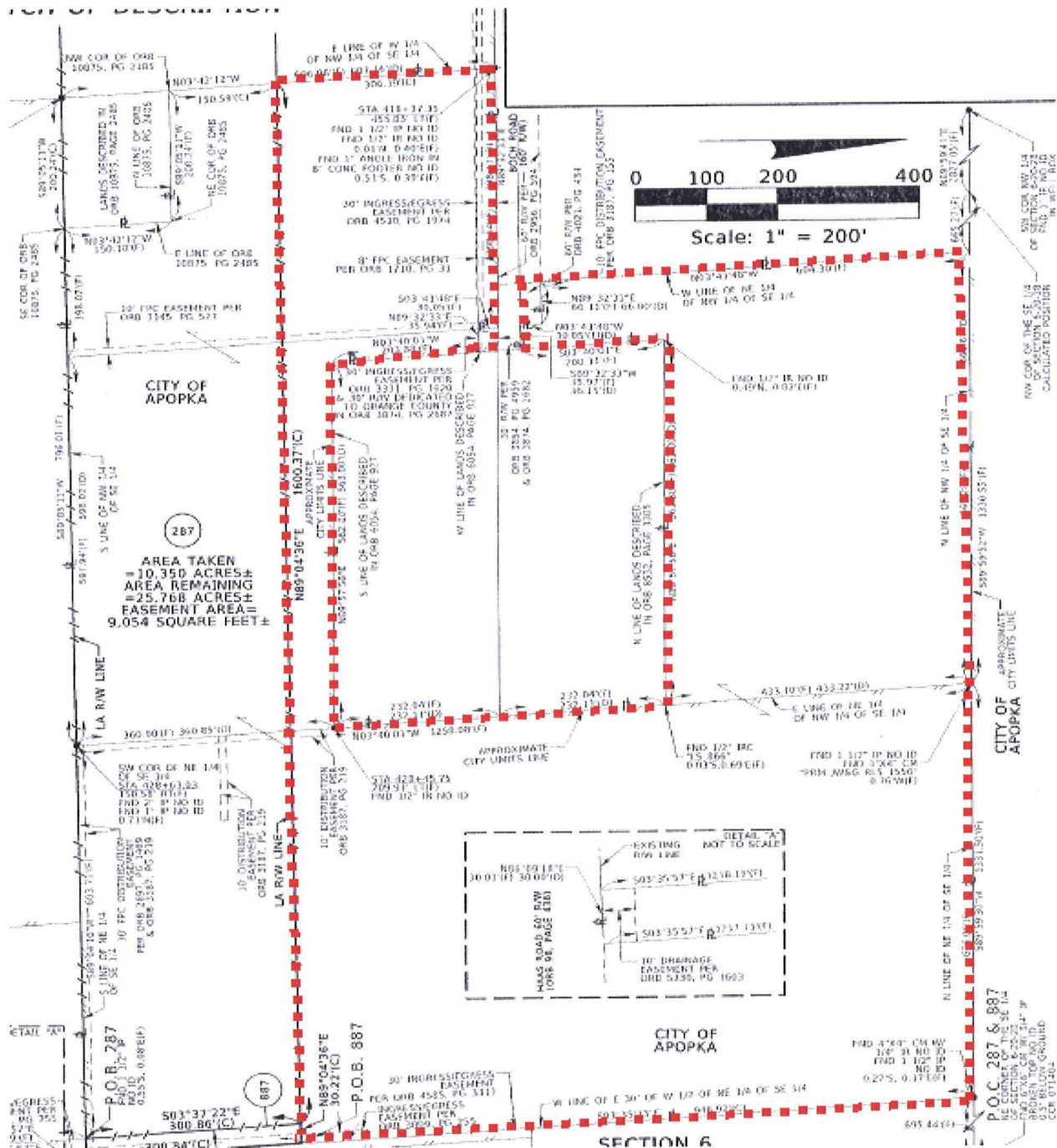
# EXHIBIT "A"







# EXHIBIT "B"






# Tab D

# CENTRAL FLORIDA EXPRESSWAY AUTHORITY

## MEMORANDUM

TO: Central Florida Expressway Authority Right of Way Committee

FROM: Linda S. Brehmer Lanosa, Deputy General Counsel   
Suzanne Driscoll, Esq., Shutts & Bowen

DATE: November 17, 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. On or about October 31, CFX served an Offer of Judgment in the amount of \$1.2 million dollars. Since that time, the parties have taken a number of depositions, examined numerous documents, and reviewed rebuttal reports. After extensive discovery and ongoing settlement discussions, the parties have reached a proposed all-inclusive settlement in the amount of **\$1,845,000**, including interest, statutory attorney's fees, expert fees, and costs as described below.

## 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 originally 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 also concluded that the remainder was damaged due to the proximity of the expressway. His original estimate of full compensation was \$728,700 (\$628,700 for the land taken and \$100,000 in severance damages).

**Land Value.** Following his deposition, Mr. Durrance updated his sales search and prepared a rebuttal report wherein he reported the range of comparable sales from \$38,300 to \$42,500 per acre, which after adjusted for the presence of utilities, he concluded supported a value

for the subject at \$32,500 per acres. Accordingly, his estimate of value for the subject land has increased to \$817,280 (25.147 acres @ \$32,500/acre).

**Severance Damages.** As noted above, Mr. Durrance originally opined that the remainder would suffer severance damages in the amount of \$100,000. This, he testified at deposition, would result from the conversion of 4 acres of the remainder property to a landscape buffer to shield the rest of the property from the interchange, a part of which is being constructed on the land taken from this Respondent (4 acres @ \$25,000/acre). As can be seen on the “After Acquisition” sketch prepared on behalf of CFX by Landon, Moree and Associates, Inc. on the following page, the remainder property will have a somewhat unique location in that it will be located immediately adjacent to the interchange of SR 429 and SR 453. However, Mr. Durrance’s estimate failed to account for any costs associated with creating the actual landscape buffer such as earthwork, plant material, contractors’ costs, design, permitting, etc. In discussions with Mr. Durrance following his deposition, he reported that the average cost for installing a typical buffer found at subdivisions bordering elevated highway interchanges equates to roughly \$250 per lineal foot. Accordingly, with approximately 1,324 linear feet of frontage along the new SR 429 ramp J, it will cost approximately \$330,000 to build the landscape buffer and result in additional loss of use of 4 acres, or \$130,000 (4 acres @ \$32,500). Accordingly, severance damages under this cost to cure theory would equate to \$460,000.

### HMF APPRAISAL REPORTS

HMF LLC retained both Charles W. Haynes, Jr., GAA, and Richard C. Dreggors, GAA, a state-certified general real estate appraiser, to value the property. Their opinions of value are summarized below.

	<b>Haynes</b>	<b>Dreggors</b>
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	<b>\$3,921,500</b>	<b>\$4,819,900</b>

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.

The biggest issue in this case involves severance damages. HMF LLC raises some interesting arguments, including condemnation blight and the probability of rezoning and comprehensive plan amendments, in an attempt to increase its damages. Although CFX has excellent arguments rebutting these claims, the complexities of those issues and the cost of defending CFX against such complex issues and claims are factors to consider.

### HMF ATTORNEY'S FEES AND EXPERT COSTS

Assuming the amount of full compensation to the property owner is \$1,500,000, statutory attorney's fees amounts to approximately \$213,575. Attached hereto are copies of the invoices for the experts retained by HMF which total \$174,228. The invoices are summarized below.

<b>Expert</b>	<b>Hourly Rates</b>	<b>Amount Invoiced</b>	<b>Proposed Payment</b>	<b>Adjustment</b>
Calhoun, Dreggors & Associates, Inc. (Richard Dreggors, GAA)	\$275 \$175	\$ 40,219.00	\$ 20,110.00	at 50%
Equable Real Estate Solutions (Charles Haynes, Jr., GAA)	\$275 \$145	55,343.75	47,042.00	at 85%
Lakemont Group (Joshua Harris, Ph.D.)	\$350	21,420.00	15,606.00	at \$300 and 85%
Williams Development Services	\$250	23,325.00	19,826.00	at 85%
Linette Matheny <sup>1</sup>	\$150	11,100.00	9,435.00	at 85%
PEER	\$235 \$150	22,820.25	19,397.00	at 85%
		<b>\$174,228.00</b>	<b>\$131,416.00</b>	

After review and reducing the invoices for two appraisers, hourly rates, and time, counsel for CFX determined that a payment of \$131,425 to HMF for its expert fees and costs would be reasonable. In addition, since the deposition transcripts have not yet been invoiced, the cost of the transcripts will be an additional expense that is recoverable from CFX.

This breakdown of the all-inclusive settlement amount is for the purpose of analyzing the settlement amount and may not represent the actual amount being paid to the property owner, the owner's attorney, or each expert.

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<sup>1</sup>HMF challenged the entry of an order of taking and called Ms. Matheny to testify at the Order of Taking hearing on the design of the retention pond.

**REQUESTED ACTION**

Based upon the revised position of CFX's experts, we respectfully request that the Right of Way Committee recommend to the CFX Board approval of a Mediated Settlement Agreement in the amount of **\$1,845,000** to settle all pending claims for the taking of Parcel 301, including full compensation for the property, severance damages, business damages, tort damages, interest, attorney's fees, attorney's costs, expert fees, expert costs, and any other claim, with the exception of the cost of the deposition transcripts, subject to apportionment.

Attachments:

General Location Map  
Diagram of the Wekiva Parkway  
Aerial  
Sketch of the Property  
Mediated Settlement Agreement  
Invoices from the Owner's Experts

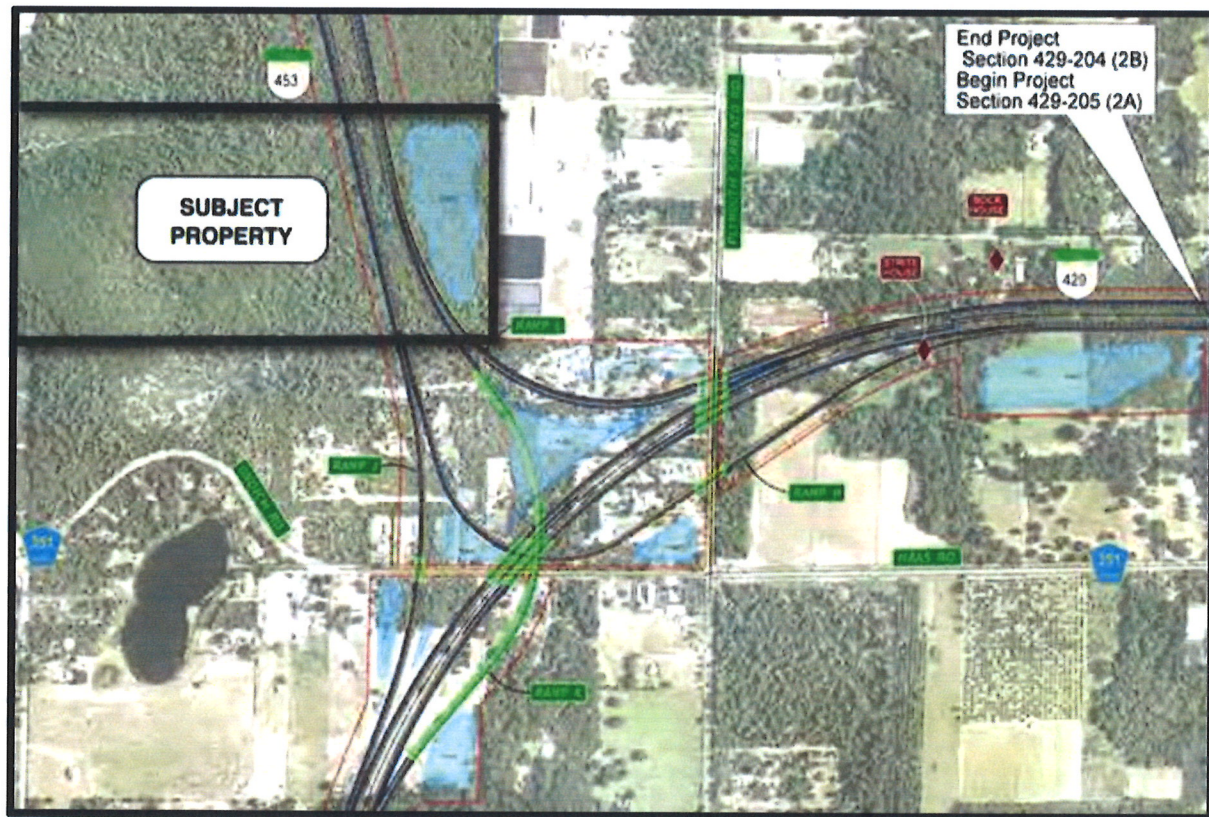
The HMF Property

• Parcel 301 •

Wekiva Parkway



**GENERAL LOCATION MAP**



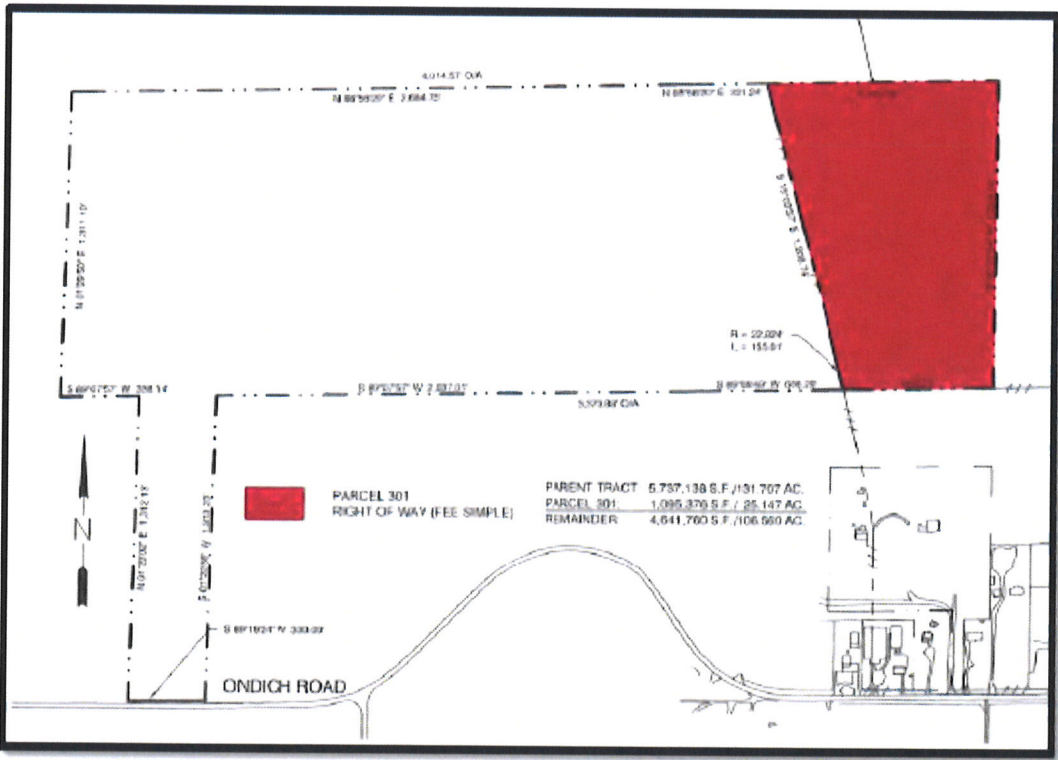




The HMF Property

• Parcel 301 •

Wekiva Parkway



 **SKETCH**





3. 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.

4. 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.

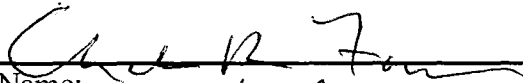
5. The parties agree to waive any confidentiality provisions set forth in Chapter 44 of Florida Statutes, the Florida Rules of Civil Procedure, and the Florida Rules of Evidence, if applicable, for the limited purpose of consideration of this proposed Settlement Agreement by the ROW Committee and the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

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

7. This Agreement resolves all claims whatsoever, including claims of compensation arising from the taking of Parcel 301, severance damages, business damages, tort damages, interest, attorney's fees, expert fees, expert costs, and any other claim only excluding reasonable litigation costs still to be determined.

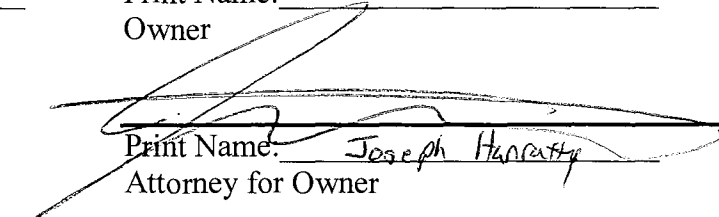
8. This Settlement Agreement, executed by the parties and their counsel on this \_\_\_\_\_ day of \_\_\_\_\_, 2016, contains all the agreements of the parties.

\_\_\_\_\_  
Print Name: \_\_\_\_\_  
Central Florida Expressway Authority

  
\_\_\_\_\_  
Print Name: Charles R. Forman  
Owner

\_\_\_\_\_  
Print Name: \_\_\_\_\_  
Counsel for CFX

\_\_\_\_\_  
Print Name: \_\_\_\_\_  
Owner

  
\_\_\_\_\_  
Print Name: Joseph Hanrahan  
Attorney for Owner

# Calhoun, Dreggors & Associates, Inc.

• Real Estate Appraisers & Consultants •

November 14, 2016

Charles R. Forman Esq.  
c/o Forman, Hanratty, Thomas & Montgomery  
723 E. Ft. King Street  
Ocala, FL 34471-2944

RE: Owner: HMF, LLC  
Project: Wekiva Parkway  
Parcel No.: N/A  
County: Orange

## INVOICE

Inspection of subject property, review of CFX plans and reports, conference with experts, review expert reports, research analysis of vacant land sales, verification of sales and data, analysis of damages to the remainder, preparation of appraisal report.

Abrams Schmidt:	91.75 Hrs. x \$175/Hr. =	\$16,056
Dreggors:	38.25 Hrs. x \$275/Hr. =	<u>10,519</u>
<b>Subtotal</b>		<b>\$26,575</b>

Prepare for deposition, attend deposition.

Abrams Schmidt:	21.00 Hrs. x \$175/Hr. =	\$ 3,675
Dreggors:	36.25 Hrs. x \$275/Hr. =	<u>9,969</u>
<b>Subtotal</b>		<b><u>\$13,644</u></b>
<b>Total</b>		<b>\$40,219</b>

Thank you,

Richard C. Dreggors, GAA  
President

RCD/ddp

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

<b>OWNER</b>	<b>HMF, LLC</b>	<b>COURTNEY ABRAMS SCHMIDT</b>
<b>PROJECT</b>	<b>WEKIVA PARKWAY</b>	
<b>PARCEL(S)</b>	<b>N/A</b>	
<b>COUNTY</b>	<b>ORANGE</b>	

<b>DATE</b>	<b>TYPE OF SERVICE</b>	<b>HOURS</b>
03/18/16	MEETING WITH RICK TO DISCUSS SCOPE OF WORK.	0.75
03/24/16	REVIEW OF FILE AND SUBJECT MATERIAL; REVIEW CFX APPRAISAL; PRELIMINARY SALES RESEARCH.	4.00
03/25/16	RESEARCH/ANALYSIS OF SALES; ANALYSIS OF CFX'S SALES.	6.00
04/01/16	RESEARCH/ANALYSIS OF SALES.	3.25
05/13/16	RESEARCH/ANALYSIS OF SALES.	2.50
05/16/16	CONFERENCE CALL WITH PROPERTY OWNER; RESEARCH/ANALYSIS OF SALES.	2.75
05/17/16	RESEARCH/ANALYSIS OF SALES; CONFERENCE CALL WITH OWNER.	2.00
05/20/16	RESEARCH/ANALYSIS OF SALES; CONFERENCE CALL WITH EXPERTS.	3.00
05/31/16	CONFERENCE CALL WITH EXPERTS; ANALYSIS OF SALES.	1.50
07/06/16	MEETING WITH EXPERTS.	2.00
07/12/16	ASSISTED WITH APPRAISAL; WORKED ON SUBJECT EXHIBITS.	2.75
07/14/16	ASSISTED WITH APPRAISAL; RESEARCH/ANALYSIS OF SALES.	5.25
07/15/16	ASSISTED WITH APPRAISAL.	4.00
07/18/16	ANALYSIS OF SALES; ASSIST WITH APPRAISAL.	4.25
07/19/16	SALES ANALYSIS.	2.25
07/22/16	REVIEW OF ENGINEERING REPORT; ANALYSIS OF SALES; ASSIST WITH APPRAISAL; MEETING WITH RICK TO REVIEW ENGINEERING ISSUES AND SALES.	4.75
07/25/16	ASSISTED WITH APPRAISAL.	3.75
07/27/16	ASSISTED WITH APPRAISAL.	3.00
07/29/16	REVIEW OF UPDATED ENGINEERING ANALYSIS; REVIEW SURROUNDING PARCELS UTILITY CONNECTIONS.	1.25

<b>OWNER</b>	<b>HMF, LLC</b>	<b>COURTNEY ABRAMS SCHMIDT</b>
<b>PROJECT</b>	<b>WEKIVA PARKWAY</b>	
<b>PARCEL(S)</b>	<b>N/A</b>	
<b>COUNTY</b>	<b>ORANGE</b>	

<b>DATE</b>	<b>TYPE OF SERVICE</b>	<b>HOURS</b>
08/01/16	REVIEW LAND PLANNING REPORT; ASSIST WITH APPRAISAL; DISCUSS LAND PLANNING ISSUES WITH RICK.	3.25
08/03/16	BLIGHT STUDY ANALYSIS; CONFERENCE CALL WITH LAND PLANNER; REVIEW WITH RICK.	1.75
08/04/16	CONFERENCE CALL WITH EXPERTS; ANALYSIS OF HIGHEST AND BEST USE AFTER; ANALYSIS OF AFTER SALES; WORKED ON STUDY.	4.50
08/05/16	RESEARCH/ANALYSIS OF AFTER SALES; MEETING WITH RICK TO REVIEW SALES AND DISCUSS DAMAGES; ASSIST WITH APPRAISAL.	8.75
08/08/16	ASSIST WITH APPRAISAL; WORK ON ADDENDA; WORK ON STUDY.	4.00
08/09/16	CALL WITH OWNER; ASSIST WITH APPRAISAL.	1.25
08/10/16	ASSIST WITH APPRAISAL; CALL WITH OWNER; REVIEW OF LAKEMONT REPORT; REVIEW UPDATED ENGINEERING	6.25
08/11/16	MEETING WITH RICK TO REVIEW APPRAISAL; CALL WITH OWNER; FINALIZE ADDENDA.	<u>3.00</u>
	<b>SUBTOTAL HOURS</b>	<b>91.75</b>
10/21/16	DEPOSITION PREPARATION.	2.00
10/24/16	RESEARCH/ANALYSIS OF CFX SALES.	2.75
10/25/16	MEETING WITH RICK TO REVIEW DURRANCE LAND SALES; PREPARE SUMMARY OF DATA.	1.75
11/02/16	DEPOSITION PREPARATION.	3.75
11/03/16	ASSISTED WITH DEPOSITION PREPARATION.	4.00
11/08/16	CONFERENCE WITH RICK REGARDING REBUTTAL ANALYSIS; RESEARCH DOCUMENTS/REPORTS FOR REBUTTAL ANALYSIS; CALL WITH EXPERT TO DISCUSS.	3.75
11/10/16	CONFERENCE CALL WITH EXPERTS; WORK ON REBUTTAL ANALYSIS.	<u>3.00</u>

<b>OWNER</b>	<b>HMF, LLC</b>	<b>COURTNEY ABRAMS SCHMIDT</b>
<b>PROJECT</b>	<b>WEKIVA PARKWAY</b>	
<b>PARCEL(S)</b>	<b>N/A</b>	
<b>COUNTY</b>	<b>ORANGE</b>	

<b>DATE</b>	<b>TYPE OF SERVICE</b>	<b>HOURS</b>
	<b>SUBTOTAL HOURS</b>	<b>21.00</b>
	<b>TOTAL HOURS</b>	<b>112.75</b>

<b>OWNER</b>	<b>HMF, LLC</b>	<b>RICHARD C. DREGGORS, GAA</b>
<b>PROJECT</b>	<b>WEKIVA PARKWAY</b>	
<b>PARCEL(S)</b>	<b>N/A</b>	
<b>COUNTY</b>	<b>ORANGE</b>	

<b>DATE</b>	<b>TYPE OF SERVICE</b>	<b>HOURS</b>
06/17/15	CONFERENCE WITH OWNER; REVIEW INFORMATION ON THE SUBJECT PARCEL.	1.50
10/23/15	CONFERENCE WITH CHARLIE FORMAN; REVIEW APPRAISALS OF SUBJECT PARCEL WITH JUNE 2006 DOV.	1.75
10/28/15	REVIEW DOCUMENTS AND SALES OF VACANT LAND IN THE AREA.	1.50
03/18/16	MEETING WITH ASSOCIATE TO REVIEW OUR SCOPE OF WORK.	0.75
05/16/16	CONFERENCE WITH CHARLIE FORMAN REGARDING COMPARABLE SALES AND VALUATION ISSUES.	1.50
06/03/16	ASSIST WITH ANALYSIS OF LAND SALES WITHIN AND OUTSIDE THE PROJECT AREA.	2.75
06/13/16	INSPECT SUBJECT PARCEL ON ONDICH ROAD.	0.75
07/06/16	PREPARE FOR AND CONFERENCE WITH EXPERTS; REVIEW VALUATION ISSUES AND DEADLINES.	2.25
07/22/16	REVIEW DAMAGES TOR REMAINDER ISSUES; MEETING WITH ASSOCIATE TO DISCUSS.	1.25
07/31/16	ASSIST WITH LAND SALES ANALYSIS OF LAND INSIDE AND OUTSIDE PROJECT AREA.	2.75
08/01/16	MEETING WITH ASSOCIATE TO REVIEW PLANNING.	0.50
08/02/16	ASSIST WITH LAND SALES RESEARCH FOR STUDY; REVIEW WILLIAMS REPORT.	2.25
08/03/16	REVIEW WILLIAMS LAND PLANNING; DISCUSS WITH ASSOCIATE; CONFERENCE WITH ED WILLIAMS TO REVIEW.	1.75
08/04/16	PREPARE FOR AND CONFERENCE WITH EXPERTS AND OWNER; REVIEW HIGHEST AND BEST USE AFTER; ASSIST WITH LAND SALES FOR REMAINDER.	4.75
08/05/16	ASSIST WITH LAND SALES ANALYSIS OF BEFORE AND AFTER VALUE.	0.75
08/08/16	REVIEW/WRITE REPORT; REVIEW EXPERT REPORTS.	6.75

<b>OWNER</b>	<b>HMF, LLC</b>	<b>RICHARD C. DREGGORS, GAA</b>
<b>PROJECT</b>	<b>WEKIVA PARKWAY</b>	
<b>PARCEL(S)</b>	<b>N/A</b>	
<b>COUNTY</b>	<b>ORANGE</b>	

<b>DATE</b>	<b>TYPE OF SERVICE</b>	<b>HOURS</b>
08/09/16	REVIEW REPORT; MEETING WITH ASSOCIATE TO REVIEW HIGHEST AND BEST USE.	<u>4.75</u>
	<b>SUBTOTAL HOURS</b>	<b>38.25</b>
08/11/16	REVIEW/WRITE REPORT; CONFERENCE WITH ASSOCIATE.	1.75
10/26/16	BEGIN PREPARING FOR MY DEPOSITION.	2.75
10/31/16	BEGIN TO PREPARE FOR DEPOSITION.	1.75
11/01/16	CONTINUE DEPOSITION PREPARATION.	3.75
11/02/16	DEPOSITION PREPARATION; REVIEW FILE; REVIEW REPORTS.	6.50
11/03/16	DEPOSITION PREPARATION.	5.75
11/04/16	DEPOSITION PREPARATION AND ATTEND DEPOSITION.	9.75
11/08/16	REVIEW DOCUMENTS FOR SALES OF NEARBY LAND; CONFERENCE WITH ASSOCIATE.	0.75
11/09/16	PREPARE FOR CONFERENCE CALL WITH EXPERTS/ OWNER; REVIEW REPORTS WITH ASSOCIATE.	1.75
11/10/16	PREPARE FOR AND CONFERENCE WITH EXPERTS.	<u>1.75</u>
	<b>SUBTOTAL HOURS</b>	<b>36.25</b>
	<b>TOTAL HOURS</b>	<b>74.50</b>



# *Equable Real Estate Solutions LLC.*

---

*Real Estate Appraisers & Consultants  
2112 Sunnydale Boulevard, Suite E,  
Clearwater, Florida 33765  
(727) 362-5110*

November 14, 2016

Mr. Charles R. Forman  
Forman, Harratty, Thomas, & Montgomery  
723 E. Fort King St.  
Ocala, FL 34471

In Reference To: HMF, LLC  
Wekiva Parkway (State Road 429)  
Parcel 301  
Orange County

## **INVOICE**

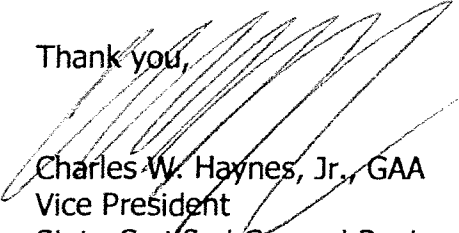
Inspect subject property and subject neighborhood; research and analyze highest and best use issues for subject property, including market trends from 2005-2015; research for comparable land sales pre-2007 and during the 2010-2015 date range, including the subject immediate area and potential comparable markets; analysis of take and damage issues, including analyzing various damage studies, researching for comparable sales, and analyzing development potential; inspect potential land sales; draft appraisal report for negotiation purposes and for trial purposes; discuss various issues with client; prepare for and attend deposition.

D. L. Beaugrand :	110.00 Hrs. @ \$145.00/Hr.	\$ 15,950.00
C. W. Haynes :	143.25 Hrs. @ \$275.00/Hr.	<u>33,393.75</u>

**TOTAL INVOICE AMOUNT:**

**\$55,343.75**

Thank you,



Charles W. Haynes, Jr., GAA  
Vice President  
State-Certified General Real  
Estate Appraiser RZ2244

Invoice submitted to:

Mr. Charles R. Forman  
Forman, Hanratty, Thomas & Montgomery  
723 E Ft. King Street  
Ocala, FL 34471

November 14, 2016

In Reference To: HMF, LLC  
Wekiva Parkway/SR 429  
Orange County  
Parcel 301

Invoice #10877

Professional Services

	<u>Hours</u>
<u>Donna Beaugrand</u>	
3/5/2015 ANALYSIS OF SUBJECT PROPERTY; ANALYSIS OF LEGAL DESCRIPTIONS, DEEDS, TAX CARDS AND OTHER PERTINENT PROPERTY INFORMATION; RESEARCH SALE FINANCING; RESEARCH UTILITIES FOR COMPARABLE SALES; PREPARE LOCATION MAPS AND SITE SKETCHES FOR COMPARABLE SALES; ; VERIFY ZONING AND LAND USE.	1.00
4/9/2015 ANALYSIS OF POSSIBLE COMPARABLE SALES; PULL DEEDS, TAX CARDS, PLAT MAPS.	0.50
4/10/2015 ANALYSIS OF POSSIBLE COMPARABLE SALES; PULL DEEDS, TAX CARDS, PLAT MAPS.	6.25
4/13/2015 ANALYSIS OF POSSIBLE COMPARABLE SALES; PULL DEEDS, TAX CARDS, PLAT MAPS.	2.00
6/17/2015 RESEARCH COMPARABLE SALES	6.25
6/19/2015 ANALYSIS OF POSSIBLE COMPARABLE SALES; PULL DEEDS, TAX CARDS, PLAT MAPS AND OTHER PERTINENT INFORMATION FOR POSSIBLE COMPARABLE SALES, ANALYSIS OF LEGAL DESCRIPTIONS AND TAX CARDS, PREPARE APEX SITE SKETCHES AND LOCATION MAPS; RESEARCH GIS DATABASE FOR ZONING AND LAND USE.	6.50
6/22/2015 PREPARE SITE SKETCHES, MAPS, AND ADDENDA FOR APPRAISAL REPORT.	4.50
7/7/2016 RESEARCH FOR STUDY	5.50
7/8/2016 RESEARCH FOR STUDY	5.50
7/13/2016 RESEARCH FOR STUDY	7.75
7/14/2016 RESEARCH FOR STUDY	6.25
7/15/2016 RESEARCH FOR STUDY	7.75
7/18/2016 RESEARCH FOR STUDY	8.00
7/19/2016 RESEARCH FOR STUDY	5.00

	<u>Hours</u>
7/20/2016 RESEARCH FOR STUDY	3.00
7/21/2016 RESEARCH FOR STUDY	7.00
7/22/2016 RESEARCH FOR STUDY	7.00
7/25/2016 RESEARCH FOR STUDY	7.00
7/26/2016 RESEARCH FOR STUDY	5.00
7/27/2016 RESEARCH FOR POSSIBLE COMPARABLE LAND SALES. TAX CARDS, DEEDS AND AERIALS.	1.50
10/10/2016 PREPARE FOR DEPOSITION	6.75
 SUBTOTAL:	 [ 110.00 15950.00]
<u>Haynes, Charles</u>	
3/4/2015 ANALYSIS OF SUBJECT PROPERTY; ANALYSIS OF FDOT APPRAISAL; DISCUSS ISSUES WITH CLIENT	2.75
3/5/2015 RESEARCH FOR COMPARABLE LAND SALES IN ORANGE, LAKE, AND SEMINOLE COUNTIES. ANALYSIS OF BLIGHT AND MARKET TRENDS	5.75
3/16/2015 RESEARCH FOR COMPARABLE LAND SALES IN ORANGE, LAKE, AND SEMINOLE COUNTIES. ANALYSIS OF BLIGHT AND MARKET TRENDS	6.25
3/17/2015 RESEARCH FOR COMPARABLE LAND SALES IN ORANGE, LAKE, AND SEMINOLE COUNTIES. ANALYSIS OF BLIGHT AND MARKET TRENDS	7.75
4/9/2015 RESEARCH FOR COMPARABLE LAND SALES IN ORANGE AND LAKE COUNTIES	5.75
4/10/2015 RESEARCH FOR COMPARABLE LAND SALES IN ORANGE AND LAKE COUNTIES	4.75
RESEARCH FOR COMPARABLE LAND SALES IN ORANGE AND LAKE COUNTIES	4.75
6/15/2015 RESEARCH FOR COMPARABLE LAND SALES IN ORANGE AND LAKE COUNTIES; ANALYSIS OF DATA	6.75
6/16/2015 RESEARCH FOR COMPARABLE LAND SALES IN ORANGE AND LAKE COUNTIES; ANALYSIS OF DATA	6.50
6/17/2015 RESEARCH FOR COMPARABLE LAND SALES IN ORANGE AND LAKE COUNTIES; ANALYSIS OF DATA; ANALYSIS OF TAKE AND DAMAGE ISSUES; ANALYSIS OF ORDER OF TAKING ISSUES.	7.25
6/18/2015 RESEARCH FOR COMPARABLE LAND SALES IN ORANGE AND LAKE COUNTIES; ANALYSIS OF DATA; ANALYSIS OF TAKE AND DAMAGE ISSUES; ANALYSIS OF ORDER OF TAKING ISSUES.	7.25

	<u>Hours</u>
8/28/2015 RESEARCH FOR COMPARABLE LAND SALES IN ORANGE AND LAKE COUNTIES; ANALYSIS OF DATA; ANALYSIS OF TAKE AND DAMAGE ISSUES; ANALYSIS OF ORDER OF TAKING ISSUES. RESEARCH FOR WEKIVA PARKWAY DOCUMENTS	5.75
8/31/2015 RESEARCH FOR COMPARABLE LAND SALES IN ORANGE AND LAKE COUNTIES; ANALYSIS OF DATA; ANALYSIS OF TAKE AND DAMAGE ISSUES; ANALYSIS OF ORDER OF TAKING ISSUES. DRAFT APPRAISAL REPORT; RESEARCH FOR WEKIVA PARKWAY DOCUMENTS	6.50
9/1/2015 RESEARCH FOR COMPARABLE LAND SALES IN ORANGE AND LAKE COUNTIES; ANALYSIS OF DATA; ANALYSIS OF TAKE AND DAMAGE ISSUES; ANALYSIS OF ORDER OF TAKING ISSUES. DRAFT APPRAISAL REPORT; RESEARCH FOR WEKIVA PARKWAY DOCUMENTS	7.75
9/2/2015 RESEARCH FOR COMPARABLE LAND SALES IN ORANGE AND LAKE COUNTIES; ANALYSIS OF DATA; ANALYSIS OF TAKE AND DAMAGE ISSUES; ANALYSIS OF ORDER OF TAKING ISSUES. DRAFT APPRAISAL REPORT; RESEARCH FOR WEKIVA PARKWAY DOCUMENTS	7.75
7/11/2016 ANALYSIS OF SUBJECT PROPERTY, NEIGHBORHOOD, AND MARKET TRENDS FOR TRIAL PURPOSES AND TRIAL REPORT	6.75
7/12/2016 ANALYSIS OF SUBJECT PROPERTY, NEIGHBORHOOD, AND MARKET TRENDS FOR TRIAL PURPOSES AND FOR TRIAL REPORT	6.75
7/13/2016 ANALYSIS OF SUBJECT PROPERTY, NEIGHBORHOOD, AND MARKET TRENDS FOR TRIAL PURPOSES AND FOR TRIAL REPORT	6.25
10/28/2016 PREPARE FOR DEPOSITION	5.75
10/31/2016 PREPARE FOR DEPOSITION	7.25
11/1/2016 PREPARE FOR DEPOSITION; INSPECT SUBJECT NEIGHBORHOOD AND SUBJECT PROPERTY	6.25
11/2/2016 PREPARE FOR DEPOSITION; INSPECT SUBJECT NEIGHBORHOOD AND SUBJECT PROPERTY	4.75
11/3/2016 PREPARE FOR AND ATTEND DEPOSITION IN ORLANDO	6.25
 SUBTOTAL:	 [ 143.25 39393.75]
	<u>Amount</u>
For professional services rendered	253.25 \$55,343.75
 Balance due	 <u>\$55,343.75</u>

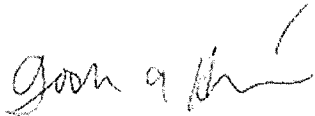
Invoice Number 1  
 Period Covered –  
 6/17/16 to 11/14/16

November 14, 2016

To: Charles R. Forman  
 Forman, Hanratty, Thomas &  
 Montgomery  
 723 E. Ft. King Street  
 Ocala, Florida 34471  
 Attn: Accounts Payable

DATES	DESCRIPTION	HOURS	RATE	AMOUNT
	<b>Client: HMF, LLC</b> <b>Matter: CFX v. Carter et. al. – Parcel 301 - 3845</b> <b>Ondich Road, Apopka, Florida</b> <b>Case No: 2015-CA-3555</b>			
See Attached	Meetings and calls with attorneys and clients and review of documents.	9.4	\$350.00	\$ 3,290.00
See Attached	Background research, preparation, and writing of Expert Analysis of Economic and Market Forces Impacting subject parcel report.	33.9	\$350.00	\$ 11,865.00
See Attached	Prepare for deposition, review/prep documents for responsive production, testify at deposition (11/31/16) at Shutts and Bowen – Orlando.	17.9	\$350.00	\$ 6,265.00
	SUB TOTAL:			\$ 21,420.00
Expenses	None			\$ 0.00
	TOTAL DUE:			\$ 21,420.00
	<b>Note: Hour Detail Sheet Attached</b>			

Thank you very much for the opportunity to serve.



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

**Payment Instruction via Check:**

LAKEMONT GROUP  
 C/O JOSHUA HARRIS  
 2037 SHAW LANE  
 ORLANDO, FL 32814

## Hour Detail Sheet

Person	Date	Time	Description
JH	6/17/2016	1.5	call with attorney - Overview of client property, parts being taken
JH	6/18/2016	2.7	Build case file, review documents on taking, research subject parcel
JH	6/21/2016	3.4	Market research, define market area, prepare initial mapping
JH	7/6/2016	2.5	Meeting with experts to discuss issues on case
JH	7/8/2016	3.4	Research market area, subdivision development, growth patterns
JH	7/9/2016	4.5	Drafting of report, state/local economic issues
JH	7/11/2016	2.3	Research housing development and pricing trends
JH	7/12/2016	1.3	Draft Report - market area analysis
JH	7/15/2016	2.9	Research history of project, legislation, and review of press
JH	7/15/2016	0.5	Mapping analysis
JH	8/4/2016	1.7	prep for call, call to discuss report progress
JH	8/5/2016	5.6	Edit and finalize report, insert charts and update market research
JH	8/6/2016	6.8	Edit and finalize report, complete forces impacting market area/subject section
JH	8/10/2016	0.7	Final edits, revisions, prepare report for transmittal
JH	8/16/2016	3.5	Review of CFX expert reports
JH	10/20/2016	2.7	Prepare and review documents to transmit to CFX per request prior to depo
JH	10/21/2016	0.3	Transmit documents responsive to CFX request prior to depo
JH	10/28/2016	1.2	Call to prep for depo
JH	10/29/2016	1.5	Tour of property and market area
JH	10/30/2016	3.5	Review documents to prepare for deposition
JH	10/31/2016	6	Deposition by CFX Attorney - Shutts and Bowen Orlando Office
JH	11/1/2016	1.1	File intake and review of documents
JH	11/5/2016	1.6	Review of documents
Total		61.2	

***Payment Instruction via Check:***

LAKEMONT GROUP  
C/O JOSHUA HARRIS  
2037 SHAW LANE  
ORLANDO, FL 32814

# Williams Development Services, Inc.

**Edward J. Williams**  
PRESIDENT

November 15, 2016

Mr. Charles Forman  
Forman, Hanratty, Thomas and Montgomery\  
723 E. Fort King Street  
Ocala FL 34471

Subject: SR 429-Wekiva Parkway – HML LLC Parcel 301,  
Invoice for Professional Land Planning and Development Permitting Analysis  
Case # 2015 CA 003555-0

Dear Mr. Forman

The following invoice is for professional land planning services in the above described case. Your assistance in processing this invoice would be greatly appreciated. Entries makes with an (A) Indicate times allocated on the same day between two or more cases.

DATE	SERVICES	HOURS
2-1-05	Meeting with attorney, retained in case, received initial work assignments	1.5
2-16-05	Site and neighborhood inspections	2.0
5-6-13		3.0
7-31-14		2.2(A)
	Collect and analyze background data on County Comprehensive Plan and Land Development Code, City of Apopka Comprehensive Plan and Land Development Code, probability of annexation, reasonable probability of amending development Regulations, utility availability, physical characteristics of site	
1-14-14	Orange County Comprehensive Plan, FLUM and FLU Element	1.0(A)
1-28-14	City of Apopka Comprehensive Plan, FLUM and FLU Element (2020, 2030)	3.0(A)
4-25-15	City of Apopka annexation files	2.0(A)
4-28-15	City of Apopka annexation files	2.0
3-3-14	Interlocal Settlement Agreement between City of Apopka and Orange County Including amendments one and two,	1.8
6-11-14	City of Apopka Northwest Area Study (April 2002)	0.5(A)
6-11-14	City of Apopka Wekiva Parkway Interchange Plan	0.5(A)
5-6-13	Chapter 15, The Western Beltway History	1.0(A)
12-1-12	Wekiva Basin Committee Final Report	1.5
	Wekiva River Protection Act	
	Wekiva Parkway and Protection Act	

# Williams Development Services, Inc.

**Edward J. Williams**  
PRESIDENT

2-9-15	Preparation for and attendance at team meeting of experts to report findings,	1.2
4-18-16	Exchange information and coordinate work assignments	1.0
7-6-16		1.5
8-4-16		1.5
11-7-13	Attend Expressway Design Update meeting to determine impact to property	1.5 (A)
3-25-15	Review and comment on Expressway appraisal and updates from a land	3.5
3-23-16	planning and development permitting standpoint, review and comment on	2.8
3-24-16	Appraisers land planning consultant's report . Review Impact Adjacency	2.5
4-18-16	Reports.	2.0
6-24-15	Review information on condemnation blight and scope of the project	2.8
6-16-16	Identify highest and best use issues and discuss with appraisers Haynes and Dreggors.	1.5
6-16-16	Prepare proposed exhibits, forward to attorney and discuss with attorney	3.0
6-19-16		2.0
4-21-15	Preparation for Order of Taking Hearing	2.0
4-22-15		2.0
6-10-15	Assist attorney Hanratty with planning issues for appeal of OT	2.5
5-6-15	Analyze reasonable probability of annexation, rezoning and comprehensive	3.0
5-7-16	plan amendments in support of highest and best use.	2.0
5-10-15		2.0
7-17-16	Conference with Attorney Forman on work assignments	1.5
5-6-16	Prepare damage analysis, identify potential cures	3.0
5-13-16		2.5
6-16-16	Highest and best use analysis, prepare report	2.0
7-31-16		3.5
8-5-16		3.0



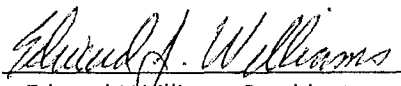
# Williams Development Services, Inc.

**Edward J. Williams**  
PRESIDENT

8-2-16	Review and comment on owners engineer Paul Sherma report, analysis and Exhibits.	2.0
8-3-16	Review damage issues with appraiser Dreggors and Abrams.	1.5
9-6-16		1.0
10-31-16	Review and comment on exhibits and analysis by expressway engineer Leland Moree	1.5
10-31-16	Prepare files for deposition inspection	1.0
11-3-16	Preparation for deposition	3.5
11-4-16	Preparation for deposition with Attorneys Forman and Hanratty.	2.0
11-4-16	Attend deposition	1.8
11-9-16	Conference with attorney Forman on preparation for Trial.	1.2

Subtotal: 93.3 Hours at \$250.00 per Hour

Total Due: \$23,325.00

Submitted By:   
Edward J Williams, President  
Williams Development Services Inc.

Vicki Smith

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**From:** Linette Matheny <linette\_matheny@yahoo.com>  
**Sent:** Monday, November 14, 2016 3:15 PM  
**To:** Vicki Smith  
**Subject:** Fw: Wekiva  
**Attachments:** C\_Userslmat2DesktopWekivaInvoice.pdf; \_Certification\_.htm

Sent from Yahoo Mail on Android

On Mon, Aug 17, 2015 at 1:50 PM, Linette Matheny <linette\_matheny@yahoo.com> wrote:

Here you go. Africa sounds awesome!

--- On Wed, 7/8/15, Linette Matheny <linette\_matheny@yahoo.com> wrote:

> From: Linette Matheny <linette\_matheny@yahoo.com>  
> Subject: Wekiva  
> To: "Charles Forman" <crforman@hotmail.com>  
> Date: Wednesday, July 8, 2015, 1:37 PM  
> Hi Charlie - I put  
> together an invoice, let me know if I need to make any  
> revisions.  
>

**Wekiva Parkway**

	Hours
Week of May 24th - Phone call with Charles Forman to receive project direction. Received CD containing the documents to review. Reviewed documents to understand design parameters, assumptions, plans, and calculations.	10
Week of May 31st - Detailed review of the Permit documents. Checked calculations by Atkins for design validity and assumptions. Created ACAD exhibits depicting the existing conditions. Reviewed the ICPR data provided in paper format compared to the permitted conditions.	17
Week of June 7th - Ran Atkins model and error checked vs. paper documents, create multiple ICPR scenarios based on optimizing the pond size and not changing Atkins numbers. Calculated a Time of Concentration and Curve Number to more accurately reflect the design. Created exhibits to go with the modeling.	16
Week of June 14th - Phone conversation with Charles, review models, error check, finalize exhibits, met to prepare for deposition, created additional exhibits, deposition.	18
Week of June 21st - Review for court and court appearance.	13
<b>Total Hours</b>	<b>74</b>

**Fee:    \$11,100**



PEER INVOICE NUMBER 15 - 2225 .01

**PROPERTY OWNER:** HMF LLC adv. CFX  
Parcel No. 301  
Wekiva Parkway (SR 429)

**ATTORNEY:** Forman, Hanratty, Thomas & Montgomery

**DATE:** November 15, 2016

**SECTION A - DESCRIPTION OF SERVICES :**

I. Paul V. Sherma, P. E. : Expert Witness / Principal  
57.50 Hrs. X \$ 235.00 / hour = \$ 13,512.50

II. Staz Guntek, Engineering Technician IV  
59.75 X \$ 150.00 / hour = \$ 8,962.50

III. Out - of - Pocket Expenses :

Photocopies	\$ 14.70
Index Sets	\$ 00.00
Laser Paper ( 11" x 17" )	\$ 260.70
Postage	\$ 00.00
Mileage	\$ 67.85
Report Covers and Combs	\$ 00.00
Photographs	\$ 00.00
Color Copies	\$ 00.00
23" x 36" Paper Plots	\$ 2.00
Printing and Scanning	\$ 0.00

SUBTOTAL OUT-OF-POCKET EXPENSES \$ 345.25

**TOTAL AMOUNT DUE \$ 22,820.25**





**PEER INVOICE NUMBER 16 -2225 .01**

NAME : Paul V. Sherma

POSITION : Expert Witness

<b><u>DATE</u></b>	<b><u>DESCRIPTION</u></b>	<b><u>NO. OF HOURS</u></b>
07 - 18 - 16	Telephone conference with Mr. Charlie Forman; Review information from Mr. Charlie Forman	0.50
07 - 19 - 16	Review CFX Engineering Plans; Review CFX Right of Way Map; Review Engineering Report; Coordinate with CADD Department; Prepare Exhibits; Prepare Report	3.75
07 - 20 - 16	Review CFX Engineering Plans; Review CFX Right of Way Map; Review Engineering Report; Coordinate with CADD Department; Prepare Exhibits; Prepare Report	3.75
07 - 21 - 16	Review CFX Engineering Plans; Review CFX Right of Way Map; Review Engineering Report; Coordinate with CADD Department; Prepare Exhibits; Prepare Report	2.75
07 - 22 - 16	Review CFX Engineering Plans; Review CFX Right of Way Map; Review Engineering Report; Coordinate with CADD Department; Prepare Exhibits; Prepare Report	2.75
07 - 26 - 16	Prepare Pre-Condition and Post-Condition Water, Sewer and Reclaim Cost Estimates; Prepare Conceptual Layouts; Coordinate with CADD Department; Review CFX Engineering Plans; Review CFX Right of Way Map; Review Engineering Report; Coordinate with CADD Department; Prepare Exhibits; Prepare Report	4.75
07 - 27 - 16	Prepare Pre-Condition and Post-Condition Water, Sewer and Reclaim Cost Estimates; Prepare Conceptual Layouts; Coordinate with CADD Department; Review CFX Engineering Plans; Review CFX Right of Way Map; Review Engineering Report; Coordinate with CADD Department; Prepare Exhibits; Prepare Report	4.75
08 - 01 - 16	Telephone conference with Mr. Rick Dreggors	0.50
08 - 04 - 16	Telephone conference with Mr. Rick Dreggors; Prepare for Conference calls; Conference calls; Prepare Exhibits; Coordinate with CADD Department	1.75

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# PEER

08 - 08 - 16	Prepare Pre-Condition and Post-Condition Water, Sewer and Reclaim Cost Estimates; Prepare Conceptual Layouts; Coordinate with CADD Department; Review CFX Engineering Plans; Review CFX Right of Way Map; Review Engineering Report; Coordinate with CADD Department; Prepare Exhibits; Prepare Report	3.50
08 - 09 - 16	Prepare Pre-Condition and Post-Condition Water, Sewer and Reclaim Cost Estimates; Prepare Conceptual Layouts; Coordinate with CADD Department; Review CFX Engineering Plans; Review CFX Right of Way Map; Review Engineering Report; Coordinate with CADD Department; Prepare Exhibits; Prepare Report	3.75
08 - 10 - 16	Telephone conference with Mr. Rick Dreggors	0.25
08 - 15 - 16	Review information from Mr. Charlie Forman	0.25
10 - 13 - 16	Conference call with Mr. Charlie Forman and Mr. Joe Hanratty	0.25
10 - 18 - 16	Review information from Mr. Joe Hanratty; Prepare Exhibits for trial; Coordinate with CADD Department; Telephone conference with Mr. Charlie Forman; Organize files for deposition; Prepare for Deposition	3.50
10 - 19 - 16	Prepare Exhibits for trial; Coordinate with CADD Department; Telephone conference with Mr. Charlie Forman; Prepare for Deposition	2.25
10 - 20 - 16	Telephone conference with Mr. Charlie Forman; Prepare for Deposition; Prepare Exhibits for trial	2.00
10 - 24 - 16	Coordinate with CADD Department; Review PEER files; Prepare information to CFX for Deposition; Site inspection	5.25
10 - 25 - 16	Prepare for Deposition	2.00
10 - 27 - 16	Meeting with Mr. Joe Hanratty; Had Deposition taken; Meeting with Mr. Charlie Forman and Mr. Joe Hanratty	6.50
10 - 28 - 16	Telephone conference with Mr. Charlie Forman; Coordinate with CADD Department; Prepare Exhibits for trial	0.50
11 - 02 - 16	Coordinate with CADD Department; Prepare Exhibits for trial; Telephone conferences with Mr. Rick Dreggors; Review CFX Utility Adjustment Plans	1.75
11 - 07 - 16	Telephone conference call Mr. Joe Hanratty; Prepare Exhibits for trial; Coordinate with CADD Department	0.50

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# **PEER**

11 - 10 - 16 Telephone conference with Mr. Charlie Forman; Coordinate with CADD  
Department; Prepare Exhibits for trial 0.25

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**TOTAL NO. OF HOURS** **57.50**

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PEER INVOICE NUMBER 16 - 2225.01

NAME : Staz Guntek

POSITION : Engineering Technician IV

<u>DATE</u>	<u>DESCRIPTION</u>	<u>NO. OF HOURS</u>
07 - 18 - 16	Print information	0.75
07 - 20 - 16	Prepare Exhibits for Report	4.50
07 - 21 - 16	Prepare Exhibits for Report	4.25
07 - 26 - 16	Prepare Exhibits for Report	4.50
07 - 27 - 16	Prepare Exhibits for Report; Prepare Reclaim, Water and Sewer Concept Plan; Determine quantities	3.25
07 - 28 - 16	Prepare Exhibits for Report; Prepare Reclaim, Water and Sewer Concept Plan; Determine quantities	3.75
08 - 04 - 16	Prepare Exhibits for Report; Prepare Reclaim, Water and Sewer Concept Plan; Determine quantities	3.50
08 - 05 - 16	Prepare Exhibits for Report; Prepare Reclaim, Water and Sewer Concept Plan; Determine quantities	3.50
08 - 10 - 16	Prepare Exhibits for Report; Prepare Reclaim, Water and Sewer Concept Plan; Determine quantities	3.75
10 - 18 - 16	Prepare Exhibits for trial	4.75
10 - 19 - 16	Prepare Exhibits for trial	3.50
10 - 25 - 16	Prepare Exhibits for trial	4.00
10 - 26 - 16	Prepare Exhibits for trial	5.25
10 - 27 - 16	Prepare Exhibits for trial	4.25
10 - 28 - 16	Prepare Exhibits for trial	3.00

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# **PEER**

11 - 01 - 16	Prepare Exhibits for trial	1.75
11 - 07 - 16	Prepare Exhibits for trial	1.00
11 - 11 - 16	Prepare Exhibits for trial	0.50
		<hr/>
	<b>TOTAL NO. OF HOURS</b>	<b>59.75</b>

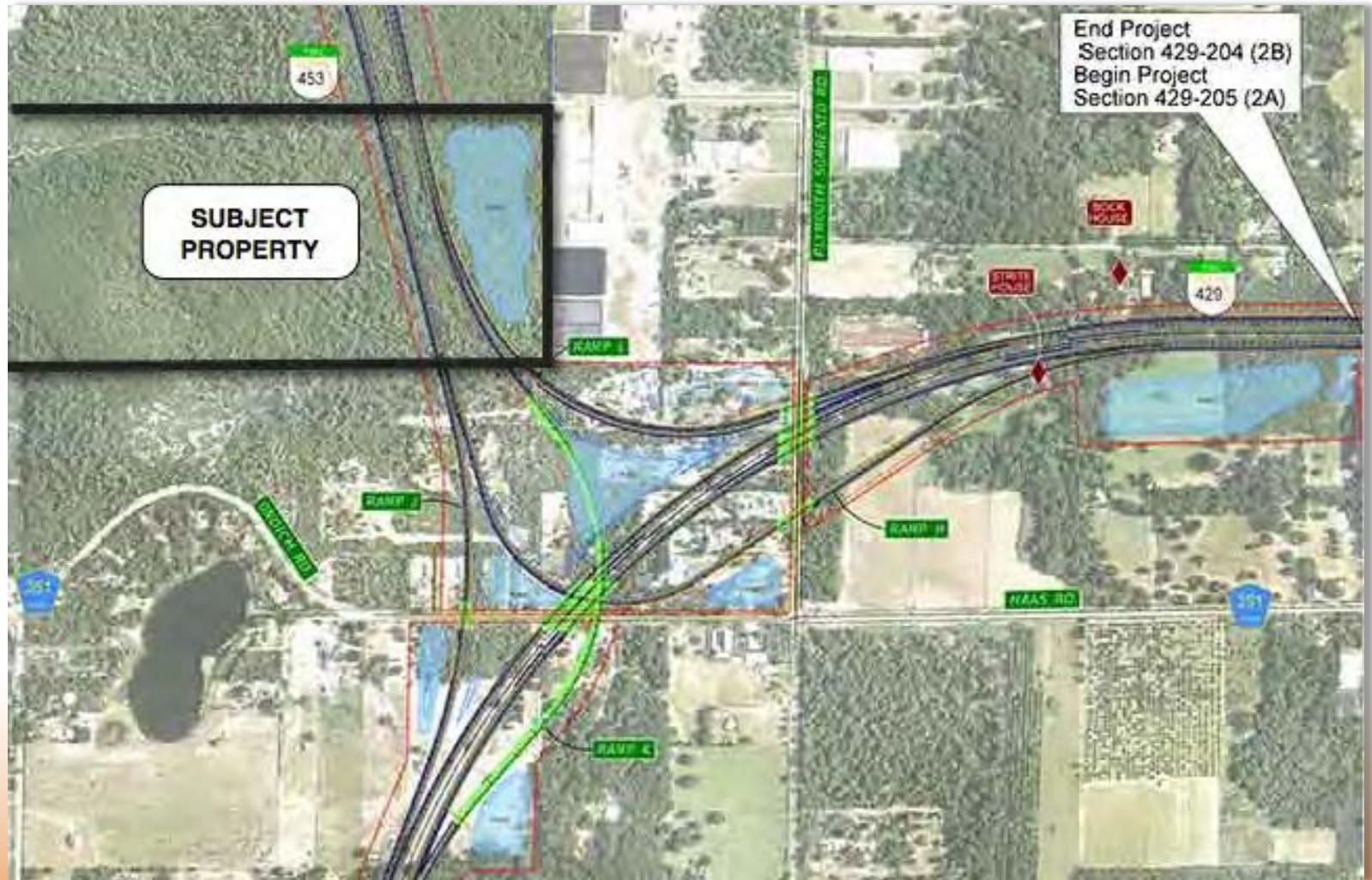


# CENTRAL FLORIDA EXPRESSWAY AUTHORITY

**RIGHT OF WAY COMMITTEE MEETING**  
**December 1, 2016**

**Parcel 301**  
**Proposed Mediated Settlement**

# ➤➤➤ Aerial of Property







# Aerial of Property

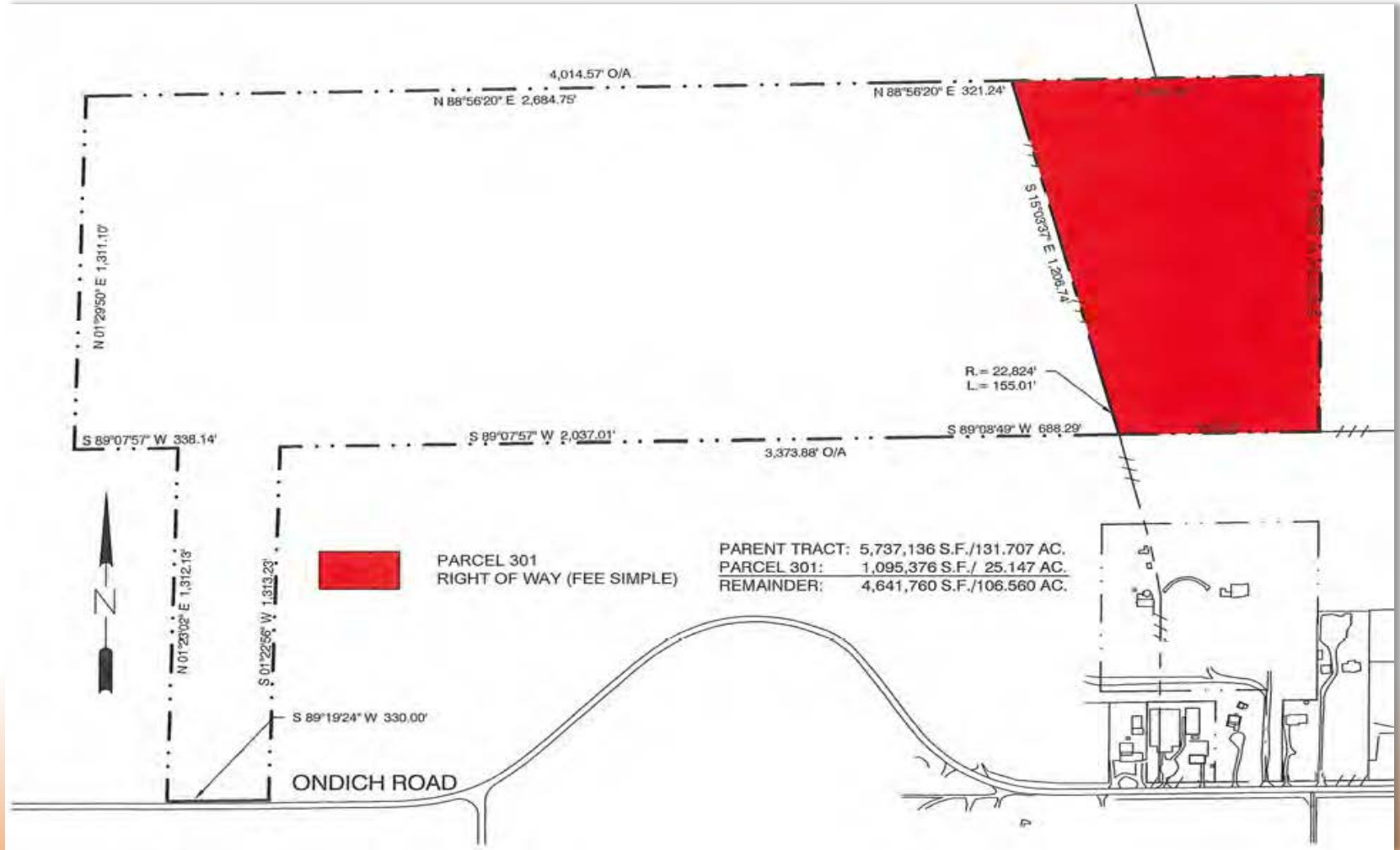








# Sketch of Property



# ➤➤➤ Photograph of Ondich Road



Northeasterly view of subject property frontage on Ondich Road



# »»» Dirt Trail on the Property



View of a dirt trail located on the property



# Comparison of Appraisal Reports

Parcel 301	CFX's Appraisal (Durrance)	Owner's 1st Appraisal (Haynes)	Owner's 2 <sup>nd</sup> Appraisal (Dreggors)
Land Taken (25.147 acres)	\$628,700 (\$25,000/acre)	\$1,257,400 (\$50,000/acre)	\$1,383,300 (\$55,000/acre)
Severance Damages (106.56-acre Remainder)	\$100,000 (4-acre buffer)	\$2,664,100 (at 50%)	\$3,436,600 (at 50%)
<b>Total for Parcel 301</b>	<b>\$728,700</b>	<b>\$3,921,500</b>	<b>\$4,819,900</b>





# Owner's Expert Fees

Owner's Experts	Amount Invoiced	CFX's Analysis
Calhoun, Dreggors & Associates (Richard Dreggors, GAA)	\$ 40,219.00	\$ 20,110.00
Equable Real Estate Solutions (Charles Haynes, Jr., GAA)	55,343.75	47,042.00
Lakemont Group (Joshua Harris, Ph.D.)	21,420.00	15,606.00
Williams Development Services (Edward Williams, Planner)	23,325.00	19,826.00
Linette Matheny	11,100.00	9,435.00
PEER (Paul Sherma, P.E.)	22,820.25	19,397.00
<b>TOTAL</b>	<b>\$174,228.00</b>	<b>\$131,416.00</b>

# Proposed Settlement

Parcel 301	CFX	Owner (Haynes)	Owner (Dreggors)	Proposed Settlement*
Compensation to the Owner	\$728,700	\$3,921,500	\$4,819,900	\$ 1,500,000
Statutory Attorney's Fees	--	\$ 711,700	\$ 891,380	\$ 213,575
Experts	--	\$ 174,228	\$ 174,228	\$ 131,416
<b>All-In total</b>	--	<b>\$4,807,428</b>	<b>\$5,885,508</b>	<b>\$1,845,000</b>

\*Since the proposed settlement is all-inclusive, the breakdown is for illustrative purposes only.




# Recommendation

Please recommend to the CFX Board approval of an all-inclusive settlement in the amount of \$1,845,000, including severance damages, business damages, tort damages, interest, attorney's fees, attorney's costs, expert fees, expert costs, and any other claim, with the exception of the cost of the deposition transcripts, subject to apportionment for the taking of Parcel 301.

# Tab E

MEMORANDUM

**TO:** Central Florida Expressway Authority Right of Way Committee  
**FROM:**  Joseph L. Passiatore, General Counsel  
**DATE:** November 22, 2016  
**SUBJECT:** Shutts & Bowen LLP Contract Renewal (Contract No. 000930)

---

The Shutts & Bowen LLP's ("Shutts") right of way legal counsel contract is expiring on February 27, 2017.

At this time our office is recommending a one year extension to the Shutts contract with no additional funding. Please see the attached memo from Shutts providing an updated status as to the remaining assigned parcels.

This will carry the contract forward until February 28, 2018 by which time we would expect that significant progress will have been achieved in closing out the remaining assigned parcels.

JLP/ml  
Attachment


cc: Aneth Williams, Director of Procurement





## MEMORANDUM

TO: Laura Kelley, Executive Director      CLIENT-MATTER NO.: 19125  
Joseph L. Passiatore, General Counsel

FROM: Kenneth W. Wright, Esq.        
David A. Shontz, Esq.

DATE: November 17, 2016

RE: Request for one year extension to Shutts & Bowen LLP General Right-of-Way  
Counsel Services - Contract No. 000930

---

As you are aware, on February 27, 2013, CFX entered into a contract with Shutts & Bowen LLP for General Right-of-Way Counsel Services for a three-year period, with the possibility of two one-year renewals. The CFX entered into Supplemental Agreement No. 4 extending the contract through February 27, 2017. The contract has included all of the fees and costs of experts retained by Shutts & Bowen, on behalf of the CFX, directly related to the right-of-way acquisitions for the Wekiva Parkway parcels.

Below is a summary of the work completed and significant accomplishments since February 27, 2013:


- **89 parcels handled by Shutts & Bowen for Wekiva Parkway (429-203, 204, 205 and 206), consisting of 648 property interests as follows:**
  - **423-203: 261 property interests acquired**
  - **429-204: 142 property interests acquired**
  - **429-205: 55 property interests acquired/set for OT to be acquired**
  - **429-206 190 property interests acquired/set for OT to be acquired**
- **Approximately 440 expert reports completed for the 89 parcels (first offer appraisal report, order of taking appraisal, date of value appraisal, engineering reports, land planning reports, business damage reports, etc.):**
  - **All expert reports are complete, except for rebuttal reports and supplements as necessary during litigation. Most, if not all expert fees going forward will be for litigation support and trial testimony.**

- **24 suits filed in Orange and Lake Counties.**
- **The remaining parcels in litigation total 33 as follows:**
  - **18 parcels are set for trial/noticed for trial through April 2018 (15 in 2017/3 in 2018)**
  - **13 parcels are in active settlement negotiations or being litigated, but not yet set for trial**
  - **2 parcels - post trial fees and costs hearing**

Accordingly, Shutts & Bowen is requesting a one year extension to Contract No. 000930 with no additional funding requested.

**MEMORANDUM**  
**(Corrected)**

**TO:** Central Florida Expressway Authority Board

**FROM:**  Joseph L. Passiatore, General Counsel

**DATE:** November 29, 2016

**SUBJECT:** Winderweedle, Haines, Ward & Woodman, P.A. Contract Renewal  
(Contract No. 000427)

---

The Winderweedle, Haines, Ward & Woodman, P.A. ("Winderweedle") right of way legal counsel contract is expiring on February 27, 2017.

At this time our office is recommending a six (6) month extension to the Winderweedle contract with no additional funding. Please see the attached memo from Winderweedle providing an updated status as to the remaining assigned parcels.

This will carry the contract forward until August 31, 2017 by which time we would expect that significant progress will have been achieved in closing out the remaining assigned parcels for the Wekiva Parkway project.

The CFX Right of Way Committee has approved the six (6) month extension.

JLP/ml  
Attachment

cc: Aneth Williams, Director of Procurement




**WINDERWEEDLE, HAINES, WARD & WOODMAN, P.A.**

**329 Park Avenue North  
Second Floor  
Post Office Box 880  
Winter Park, Florida 32790-0880  
Telephone (407) 423-4246  
Facsimile (407) 645-3728**

**MEMORANDUM**

**TO: Joe Passiatore, General Counsel  
Central Florida Expressway Authority**

**FROM: James E. Cheek, III, Right-of-Way Counsel**   
**Winderweedle, Haines, Ward & Woodman, P.A.**

**DATE: November 22, 2016**

**RE: SR 429 Wekiva Parkway Project – parcel status**

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This memorandum is intended to provide a snapshot of the status of the Wekiva Parkway parcels being handled by Winderweedle, Haines, Ward & Woodman, P.A. (“WHWW”). As you know, WHWW has been right-of-way counsel for the Wekiva Parkway, including all of Project 202 and selected parcels in other Projects, and I am pleased to report that not only were all parcels acquired within the time guidelines given to us by CFX, but almost all of the parcels have now had the compensation to the owner resolved either through settlement or trial. On the Wekiva Parkway, we have resolved compensation in 46 of the 53 parcels the firm has handled, and have fully or partially settled compensation issues in two others, leaving only the five parcels discussed below.

As previous reviews have shown, WHWW has utilized a cost-conscious and efficient approach to the parcels we have handled, and I believe we are within months of concluding work on these matters.

As will be discussed with respect to the specific parcels below, there are five parcels as to which compensation has not been finalized through settlement or trial. Of these five parcels, two are set for trial in 2017; a third which was continued in 2016 will be set in 2017; and the other two may be scheduled for trial if not resolved through settlement.

The parcels which we believe will or may require trial currently involve significant differences of opinions as to value by the parties and their expert appraisers. It is always possible that some resolution of these differences may be found.

**Parcels where compensation is not yet resolved**

**Parcel 112 – Henderson** —This parcel was continued from earlier in 2016 and is being rescheduled for trial in 2017. Owners’ counsel is Tom Callan. This case is expected to bear some factual and legal similarities to the Hatcher trial (Parcel 113), completed in the spring of 2016, as the parcels are next door to each other and it appears that all the experts are the same for both

cases. We were very successful both in motion practice and at trial in the Hatcher case; while the cases are not identical and we expect to have a different trial judge, we would expect to encounter many of the same arguments and issues in the trial of this parcel as in Hatcher.

**Parcel 158 -- Merrill --** This parcel is set for trial in July, 2017. Owner's counsel is Kent Hipp. The primary area of dispute in this matter appears to be over the value of greenhouse improvements which were within the area taken; our expert places that value at just over \$150,000, while the owners' expert places the value nearly five times as high.

**Parcel 153 – Ponkin Road Property LLC--**This parcel is set for trial in September, 2017. Owner's counsel is Kent Hipp. The case involves a property believed by the owner to be commercial in nature at the intersection of Plymouth-Sorrento Road and Ponkan Road. It appears that the parties have a significant difference of opinion about the value of commercially zoned property in the area, and the appropriateness of looking outside the general area for comparable properties.

**Parcel 255 – Nguyen** —This parcel is in settlement negotiations but will be set for trial during 2017 if not resolved soon. Owner's counsel is Nick Dancaescu. This is a total taking of a homestead of 2.4 acres in size. The current disagreement involves the per-acre value of the land and the value of the improvements on the land. The owners place these values at about 60% higher than CFX's expert appraiser.

**Parcel 800 – Various owners** —This parcel involves a private road with multiple interest holders. All have been settled except for Guy, represented by Felecia Ziegler, and Jones, represented by Kurt Bauerle. There is a significant legal issue in these cases regarding whether severance damages are available to tenants in common where the property taken is not held in unity of title with the owner's purported parent tract. However, settlement discussions appear to be active again after a period of dormancy.

#### **Parcels resolved as to compensation, other issues pending**

**Parcel 113 – Hatcher**—Owners' claim for expert fees and costs is in negotiations; if not resolved, may require a hearing with the court.

**Parcel 236 – Bridle Path**—Settlement approved by Board; form of stipulated final judgment under review by owners' counsel.

**Parcel 249/256 – Scofield** – Settled and final judgment entered; awaiting payment of funds.

#### **Other matters**

There are a few pending items on other parcels regarding handling parties which never responded on certain parcels, disclaimers, apportionments, and subordination agreements which should not involve court proceedings, and are in the process of being resolved.



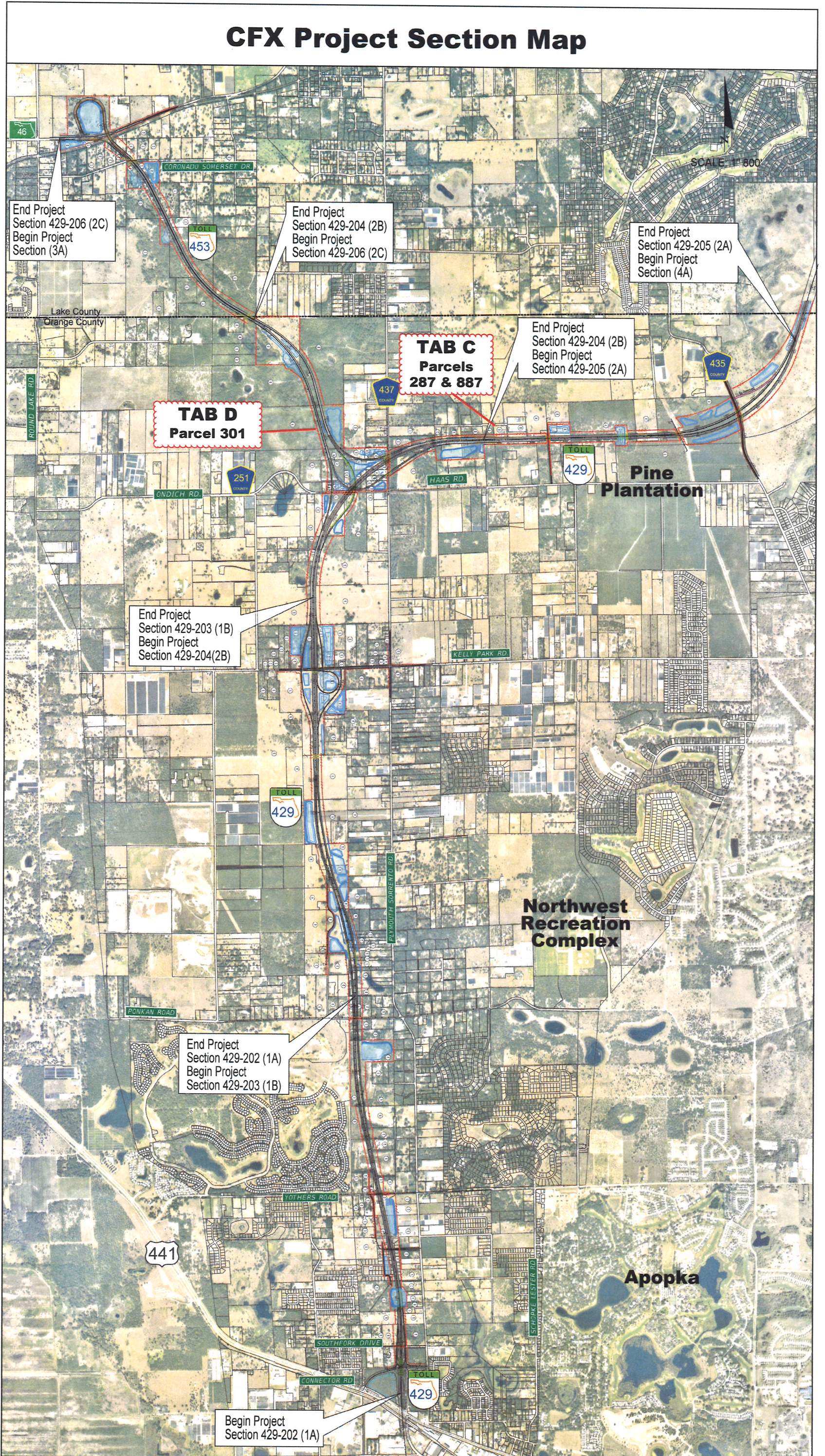
## **Conclusion**

While both opposing counsel and the courts have a significant impact on how quickly we make progress in cases, we believe that it is possible that WHWW can resolve the compensation issues in all remaining Wekiva Parkway parcels we are handling by September, 2017.

Based on the information above, I believe that WHWW should be able to handle these matters on the \$238,000 remaining in the current contract through August, 2017. However, our ability to do so may depend on when the Henderson case is rescheduled, as having two trials during the time period will obviously lead to increased costs.

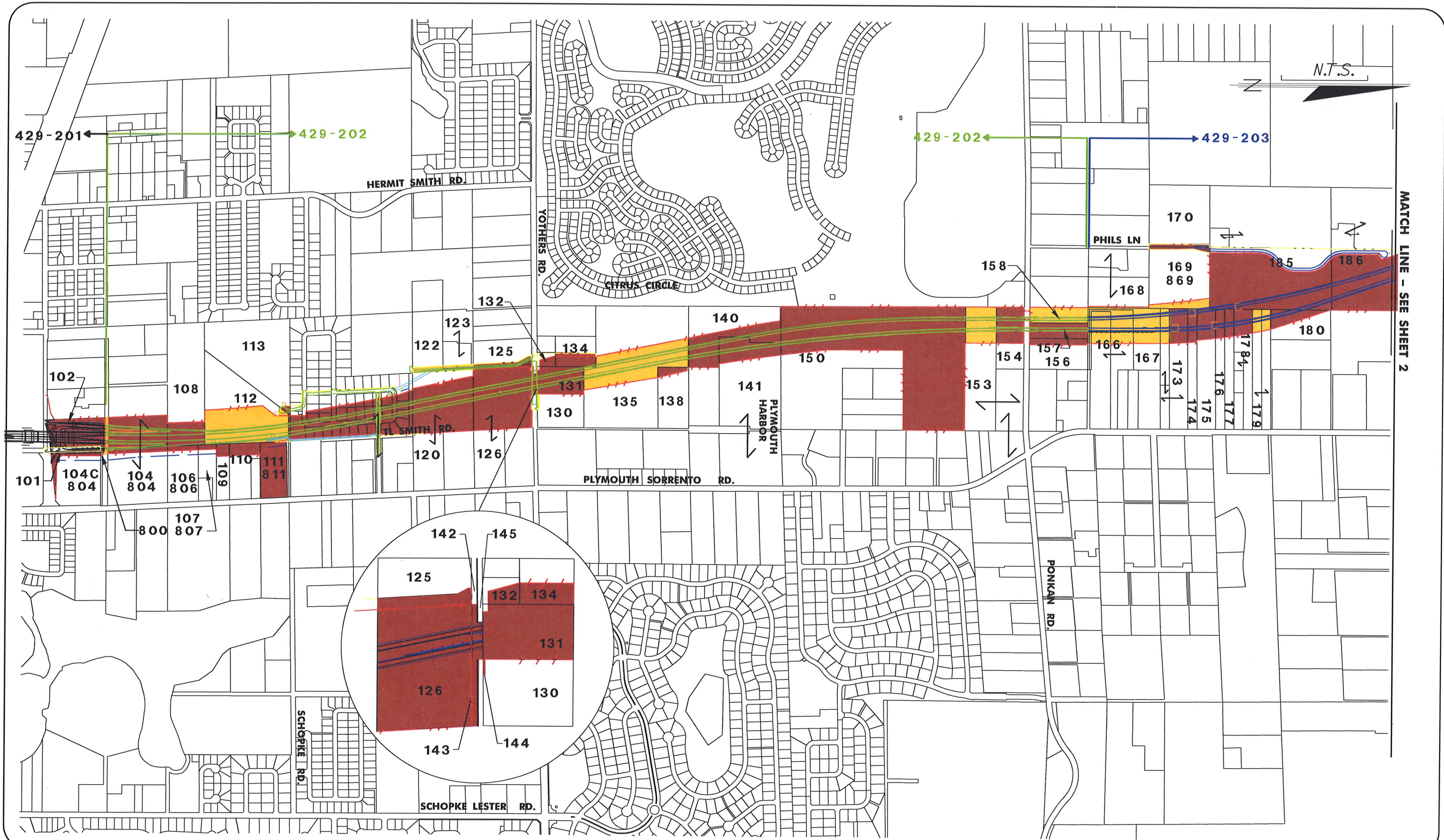


# CFX Project Section Map





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CENTRAL  
FLORIDA  
EXPRESSWAY  
AUTHORITY

### WEKIVA PARKWAY

- Legend**
- ACQUIRED/COMPLETE
  - ACQUIRED/PENDING LITIGATION
  - ACQUIRED/PENDING FEES & COSTS

### RIGHT-OF-WAY EXHIBIT

December 1, 2016  
SUBJECT TO CHANGE



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CENTRAL  
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AUTHORITY

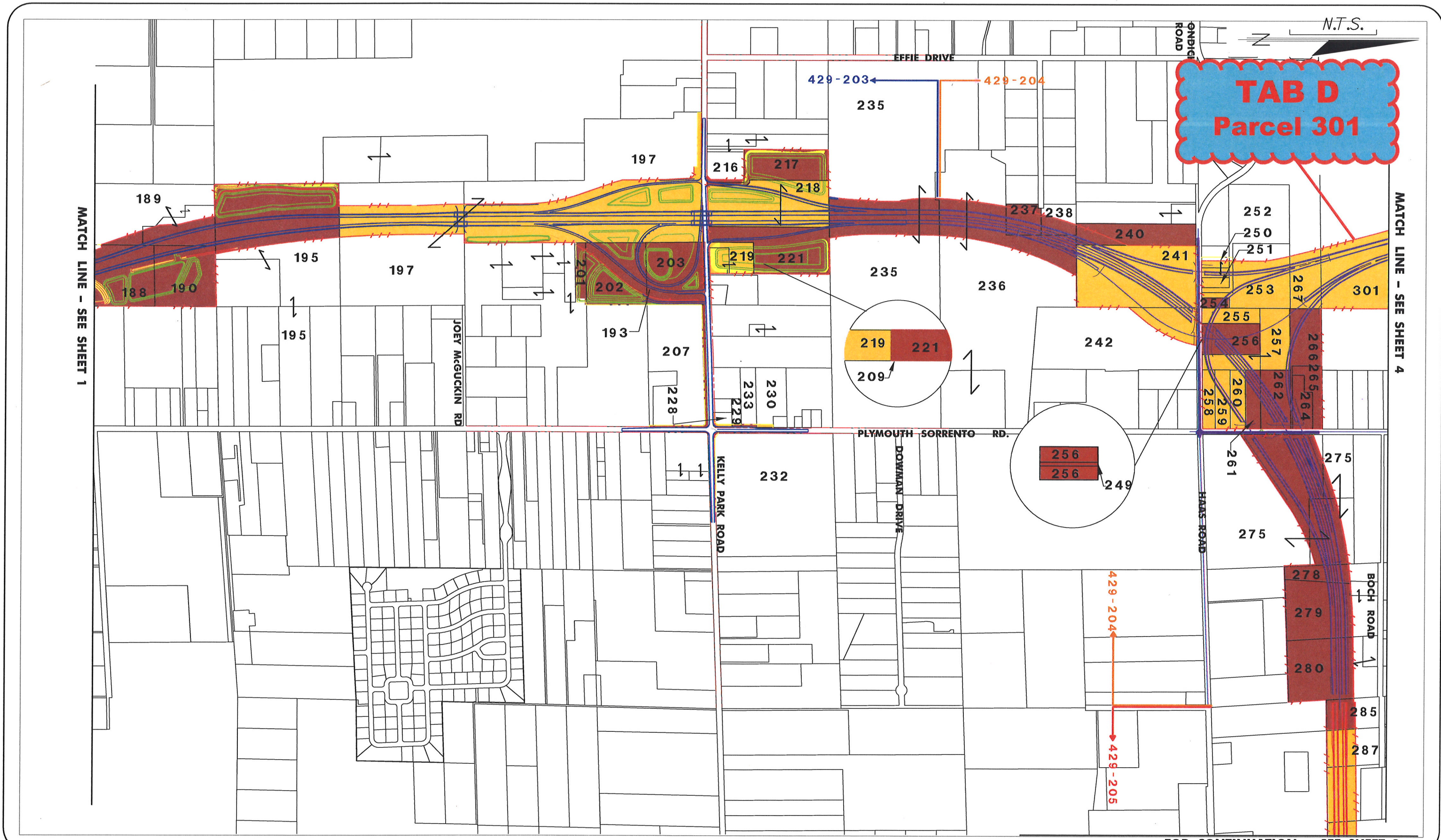
### WEKIVA PARKWAY

- Legend**
- ACQUIRED/COMPLETE
  - ACQUIRED/PENDING LITIGATION
  - ACQUIRED/PENDING FEES & COSTS

### RIGHT-OF-WAY EXHIBIT

December 1, 2016  
SUBJECT TO CHANGE

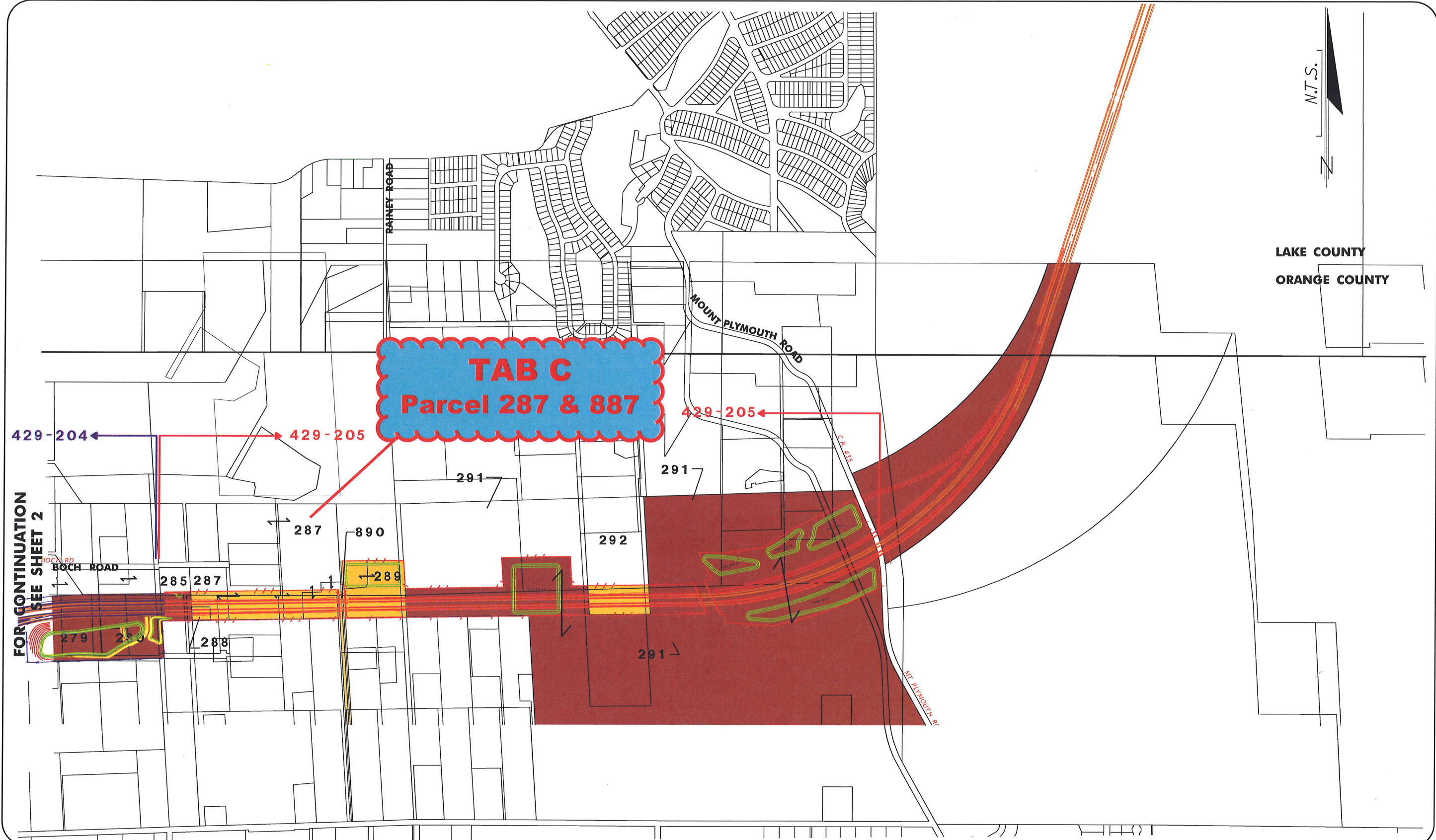
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FOR CONTINUATION  
SEE SHEET 2

CENTRAL  
FLORIDA  
EXPRESSWAY  
AUTHORITY

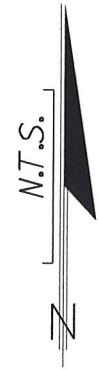
WEKIVA PARKWAY

- Legend
- ACQUIRED/COMPLETE
  - ACQUIRED/PENDING LITIGATION
  - ACQUIRED/PENDING FEES & COSTS

RIGHT-OF-WAY EXHIBIT  
December 1, 2016  
SUBJECT TO CHANGE

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CENTRAL  
 FLORIDA  
 EXPRESSWAY  
 AUTHORITY

WEKIVA PARKWAY

*Legend*

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RIGHT-OF-WAY EXHIBIT  
 December 1, 2016  
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CENTRAL  
FLORIDA  
EXPRESSWAY  
AUTHORITY

WEKIVA PARKWAY

Legend

- ACQUIRED/COMPLETE
- ACQUIRED/PENDING LITIGATION
- ACQUIRED/PENDING FEES & COSTS

RIGHT-OF-WAY EXHIBIT  
December 1, 2016  
SUBJECT TO CHANGE

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