

CENTRAL FLORIDA EXPRESSWAY AUTHORITY

MEMORANDUM

TO: Central Florida Expressway Authority Board Members

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

DATE: September 28, 2016

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

DESCRIPTION OF PROPERTY AND TAKING

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

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

CFX'S APPRAISAL REPORT

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

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

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

OWNERS' APPRAISAL REPORT

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

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

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

SETTLEMENT DISCUSSIONS

A comparison of the two appraisals reports is below.

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

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

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

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

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

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

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

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

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

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

REQUESTED ACTION

Board approval is requested to accept the proposed Mediated Settlement Agreement in the amount of \$429,400, resolving all claims for compensation for the taking of Parcel 173, including severance damages, business damages, tort damages, interest, attorney's fees, attorney's costs, expert fees, expert costs, and any other claim, subject to apportionment, if any.

The Right of Way Committee recommended approval on September 28, 2016.

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

Reviewed by: _____





Approximate Representation
Source: Orange County Property Appraiser

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

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

CASE NO: 2014-LA-003592-0

Subdivision 39

Petitioner,

Parcel 173

vs.

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

Respondent(s).

MEDIATED SETTLEMENT AGREEMENT

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

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

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

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

ALL
SEC/UBK

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

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

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

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

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

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



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



Print Name: SIDNEY CALLOWAY, ESQ.
Counsel for CFX

Print Name: LARRY WATSON
Mediator



Print Name: KENNETH A. GRIMM
Owner



Print Name: JANUARY D. GRIMM
Owner



Print Name: EDGAR LOPEZ, ESQ.
Attorney for Owner



Calhoun, Collister & Parham, Inc.

Real Estate Appraisers & Consultants

Jacksonville Office

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

Remit to: Tampa Office

Tampa Office

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

West Palm Beach Office

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

August 24, 2016

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

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

INVOICE

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

Sincerely,

Richard H. Parham
Partner

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

PARHAM

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

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

PARHAM

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

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

MEYERS

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

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

MEYERS

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

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

DAVIDSON

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



Mr. Green Thumb Horticulturist

303 Arlington Avenue, West
Oldsmar, FL, 34677

Stan DeFreitas
Arborist

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

November 17, 2015

INVOICE

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

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

INVOICE (con't)

GRIMM, KENNETH

Edgar Lopez, P. A.

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



Mr. Green Thumb Horticulturist

303 Arlington Avenue, West
Oldsmar, FL 34677

Stan DeFreitas
Arborist

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

November 17, 2015

INVOICE

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

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

INVOICE (con't)

GRIMM, KENNETH

Edgar Lopez, P. A.

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

please make checks payable to:

m e i civil, LLC

964 Lake Baldwin Lane., Suite 200
Orlando, FL 32814
407-893-6894
fax 407-893-6851

bill to:

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

Invoice Date: 11/18/2015

Invoice Number: 47039H-1

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

JOB: SR 429, Parcel 173
Grimm
Engineering Analysis

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

Payment Due Upon Settlement of Fees and Costs

We appreciate being part of your team!

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

-47039h

Job Name *SR429 P173, Grimm*

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

Work Descriptions for John R. Russell

47039H

Job Name *Grimm P173 SR 429*

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

Work Descriptions for Mitchell Pentecost

-47039H

Job Name *SR 429, P173, Grimm*

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



Rahenkamp Design Group, Inc.

Invoice submitted to:

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

November 16, 2015

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

For Professional Services Rendered:

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

Development Services • Golf Course Architecture • Eminent Domain
Landscape Architecture • Land Use Planning
(LC0900343)

2816 S. MacDill Avenue
Tampa, FL 33629

Ph: (813) 835-4022 • Fax: (813) 835-9226
Eric@RDGroup.org • www.RDGroup.org

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

For Expenses Incurred:

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

Balance Now Due:

\$5,115.85

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

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

CGC 016467

CONSTRUCTION CONSULTING
EXPERT WITNESS
LICENSED · INSURED

November 16, 2015

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

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

STATEMENT FOR MEDIATION ONLY

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

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

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

Sincerely,



Robert B. Roberts
President

RBR/jh

GRIMM

Parcel: 173

Project: APOPKA COUNTY, FLORIDA

Summary of Professional Services

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

Service Rendered page - 2

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

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

Selection Criteria

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

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

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

Date 8/16/16
Time 4:24 pm

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

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

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

Client - ZHARIS-ERINOM

.....29407		310.00	1.50s	465.00
3/31/14	MORGENSTERN-L J	1		
TRAVEL TO AND FROM MEETING	ZHARIS-ERINOM			
IN ORLANDO (PORTION OF TIME)	VALUATION			

ON HOLD

.....29408		310.00	2.00s	620.00
3/31/14	MORGENSTERN-L J	1		
PREPARE FOR AND ATTEND	ZHARIS-ERINOM			
MEETING WITH MR. GRIM,	VALUATION			

STUMPY HARRIS AND RICHARD
PARHAM, DISCUSS HISTORICAL
BUSINESS OPERATIONS AND
EXPECTED AFFECT OF TAKING,
DISCUSS FINANCIAL RECORDS
AVAILABLE, INHERITED ASSETS,
VALUE OF FEEDER TREES AND
OTHER MATTERS

ON HOLD

.....29358		220.00	2.75s	605.00
4/1/14	GRAFF, BRIAN K.	1		
REVIEW FILE NOTES, RESEARCH	ZHARIS-ERINOM			
CLIENT VIA WEB BASED	VALUATION			
DATABASES; DETERMINE				
DOCUMENTS NEEDED TO BEGIN	ON HOLD			
ANALYSIS & DRAFT				
CORRESPONDENCE TO CLIENT				
REQUESTING SAME				

.....29418		310.00	0.50s	155.00
4/1/14	MORGENSTERN-L J	1		
DISCUSS RESULTS OF PRIOR DAY	ZHARIS-ERINOM			
MEETING, LEGAL ISSUES AND	VALUATION			
THOUGHTS CONCERNING WAY TO				
MEASURE DAMAGES	ON HOLD			

Date 8/16/16

MORGENSTERN PHIFER & MESSINA, P.A.

Time 4:24 pm

Detail Slip Listing

Page 3

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

Date / Start Time	PROFESSIONAL	Rate	Time	Total
Reference	Client	Level		
Description	Slip# Activity			
<u>Client - ZHARIS-ERINOM</u>				
.....29500		310.00	0.25s	77.50
4/8/14	MORGENSTERN-L J	1		
CONFERENCE CALL STUMPY AND	ZHARIS-ERINOM			
THEN RICHARD PARHAM ON	VALUATION			
BUSINESS DAMAGE ISSUES				
	ON HOLD			
.....30167		310.00	1.00s	310.00
5/19/14	MORGENSTERN-L J	1		
TRAVEL TO AND FROM SITE IN	ZHARIS-ERINOM			
APOPKA (PORTION OF TIME)	VALUATION			
	ON HOLD			
.....30170		310.00	1.00s	310.00
5/19/14	MORGENSTERN-L J	1		
REVIEW FILES IN PREPARATION	ZHARIS-ERINOM			
FOR AND OBSERVE BUSINESS	VALUATION			
OPERATIONS				
	ON HOLD			
.....30174		310.00	0.50s	155.00
5/20/14	MORGENSTERN-L J	1		
DISCUSS SITE VISIT WITH	ZHARIS-ERINOM			
STUMPY HARRIS AND RICHARD	VALUATION			
PARHAM, DISCUSS LEGAL ISSUES				
RELATED TO CLAIM PREPARATION	ON HOLD			
WITH STUMPY				
.....30264		310.00	0.25s	77.50
5/27/14	MORGENSTERN-L J	1		
CONFERENCE CALL RUSS CONRAD	ZHARIS-ERINOM			
(BROTHER OF FORMER OWNER IN	VALUATION			
KENTUCKY) IN ATTEMPT TO				
LOCATE ACCOUNTING RECORDS	ON HOLD			
AND DISCUSS WITH STUMPY				
HARRIS				

Date 8/16/16
Time 4:24 pm

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

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

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

Date 8/16/16
Time 4:24 pm

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

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

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

Date 8/16/16
Time 4:24 pm

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

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

Date / Start Time	PROFESSIONAL	Rate		
Reference	Client	Level	Time	Total
Description	Slip# Activity			
Client - ZHARIS-ERINOM				
.....32696 cont.				
.....47106		275.00	0.50s	137.50
6/3/16	PHIFER, S.C.	1		
CONFERENCE WITH EDGAR LOPEZ	ZHARIS-ERINOM			
REGARDING POTENTIAL BUSINESS VALUATION				
DAMAGES, INVENTORY LOSSES,				
GERSON REPORT, ETC.; REVIEW	ON HOLD			
FILE				
.....49340		310.00	2.00s	620.00
8/16/16	MORGENSTERN-L J	1		
ESTIMATED TIME TO PREPARE	ZHARIS-ERINOM			
FOR AND ATTEND FEE HEARING	VALUATION			
	ON HOLD			
Subtotal for - Client ZHARIS-ERINOM				
	PROFESSIONAL		20.00s	5506.25
	Client			0.00
	Activity			0.00
	Billable	20.00		5506.25
	Unbillable			0.00
GRAND TOTAL				
	PROFESSIONAL		20.00s	5506.25
	Client			0.00
	Activity			0.00
	Billable	20.00		5506.25
	Unbillable			0.00