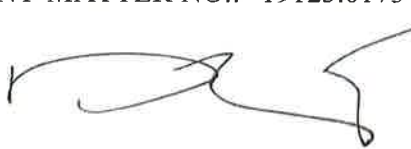




# MEMORANDUM

TO: Central Florida Expressway Authority      CLIENT-MATTER NO.: 19125.0173  
 Board Members

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

DATE: October 3, 2016

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

---

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

## DESCRIPTION AND BACKGROUND

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

The CFX's appraisal of the property was prepared by Richard MacMillan of The Appraisal Group of Central Florida. Mr. MacMillan opined the highest and best use of the property is for future employment center. Mr. MacMillan used four (4) comparable land sales with prices ranging from \$22,917 per s.f. to \$28,713 per s.f. to arrive at an estimate of the land value of the Subject Property of \$25,000 per ac. or \$59,900 for the land value.

Mr. MacMillan used four (4) improved sales to determine an interim value of the improvements, with prices ranging from \$22,917 to \$28,713 s.f. In the after condition, the residence is within 63' of the new right-of-way line for the SR 453 roadway, which has significantly changed the character of the neighborhood in the after condition. Mr. MacMillan concluded severance damages in the amount of 35% as a result of the proximity of the roadway and the change in character of the neighborhood. Accordingly, Mr. MacMillan's total valuation for Parcel 319 is \$129,300 (\$59,900 land, \$11,000 improvements, \$58,400 damages).

Mrs. Yeomans is represented by Tom Callan, Esq. We have attempted to engage in settlement negotiations with Mr. Callan in an effort to settle these parcels or set them for trial if

we were unable to reach a resolution. Unfortunately, Mr. Callan has some health issues that require a surgery in December 2016, which is likely the cause for a delay in settlement negotiations. Additionally, in light of Mr. Callan's health issues, the court has removed several of his parcels from the trial docket. Therefore, filing a notice for trial on the parcels we have been unable to resolve would likely not render a trial date to be set on the Court's docket. Accordingly, in an effort to move these cases to fruition, to provide the property owners a settlement offer and potentially cap the costs to be incurred by the property owner (which are recoverable against the CFX), we are proposing an Offer of Judgment. If the Offer of Judgment is accepted by the property owner, then the case would be concluded. If the Offer of Judgment is not accepted within 30 days, then it expires. If a jury subsequently renders a verdict equal to or less than the Offer of Judgment, the property owner shall not recover any costs (including expert fees) incurred from the expiration of the Offer of Judgment through trial.

Based upon our extensive knowledge and review of numerous parcels on the project, positions taken by opposing counsel and experts, prior settlements and prior jury verdicts, I would propose an Offer of Judgment for Parcel 319 in the amount of \$207,600, plus statutory attorney's fees and experts costs. The Offer of Judgment reflects an increase in the land value, additional monies for the improvements and an increase in severance damages.

For the above-cited reasons, Right-of-Way counsel requests approval by the CFX for an Offer of Judgment in the amount of \$207,600, plus statutory attorney's fees and experts costs, which is in the CFX's best interest.

### **RECOMMENDATION**

We respectfully request that the CFX Board approve the Offer of Judgment in the amount of \$207,600, plus statutory attorney's fees and experts costs in full settlement of all claims for compensation in the acquisition of Parcel 319.

This matter was recommended for approval by the Right-of-Way Committee members at the September 28, 2016 meeting.

### **ATTACHMENTS**

Exhibit "A" – Sketch of the Subject Property

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

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



ORLDOCS 14968840 1

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

**PARCEL 319**

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

A parcel of land lying in the Northeast 1/4 of the Northwest 1/4 of Section 35, Township 19 South, Range 27 East and the Southwest 1/4 of Section 26, Township 19 South, Range 27 East, Lake County, Florida, being more particularly described as follows:

Commence at the Southeast corner of the Northeast 1/4 of the Northwest 1/4 of Section 35, Township 19 South, Range 27 East, Lake County, Florida; thence run North 00°54'46" East along the East line of said Northwest 1/4, a distance of 669.59 feet to a point on the centerline of a 60.0 foot nonexclusive right of way easement for Coronado Somerset Drive per Official Records Book 431, Page 150 of the Public Records of Lake County, Florida, said point also being the Southeast corner of the Northeast 1/4 of said Northeast 1/4; thence departing said East line, run South 71°23'35" West along said centerline, a distance of 346.30 feet to the Southeast corner of lands described in Official Records Book 1137, Page 914 of said Public Records; thence departing said centerline, run North 00°42'27" East along the East line of said lands, a distance of 300.93 feet to the POINT OF BEGINNING; thence departing said East line, run North 50°13'22" West, a distance of 417.46 feet to a point on the West line of said lands; thence run North 00°42'27" East along said West line, a distance of 121.69 feet to a point on the Southerly right of way line of the Atlantic Coast Line Rail Road per Right-of-Way and Track map V.3b Fla 5; thence departing said West line, run North 67°42'49" East along said Southerly right of way line, a distance of 352.08 feet to a point on said East line; thence departing said Southerly right of way line, run South 00°42'27" West along said East line, a distance of 522.34 feet to the POINT OF BEGINNING.

Containing 2.396 acres, more or less.

Together with all rights of ingress, egress, light, air, and view to, from or across any State Road 453 right of way property which may otherwise accrue to any property adjoining said right of way.

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

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

STATE ROAD 46  
 (R/W VARIES)

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

SOUTHERLY R/W LINE PER  
 R/W AND TRACK MAP V.3B FLA 5

566°31'40"W 352.90'(D)  
 N67°42'49"E 352.08'(C)

319

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

N00°42'27"E  
 121.69'(C)

N00°10'10"E 794.80'(D)  
 N00°42'27"E 799.33'(C)

PARCEL I.D.  
 35-19-27-0002  
 -0000-0700  
 REMAINDER -  
 ±3.641 ACRES

SE COR. OF LANDS  
 DESCRIBED IN  
 OR 1137, PG 914

FPC DISTRIBUTION  
 EASEMENT  
 PER OR 414, PG 987

SE COR. OF NE 1/4  
 OF NE 1/4 OF NW  
 1/4 OF SEC. 35

8' FPC  
 DISTRIBUTION  
 EASEMENT  
 PER OR 508, PG 977

P.O.B.

CORONADO SOMERSET DRIVE

571°23'35"W 346.30'(C)  
 N70°23'47"E 343.44'(C)  
 N70°23'47"E 343.70'(D)

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

P.O.C.  
 SE COR. NE 1/4 OF  
 NW 1/4 OF SEC. 35

N00°54'46"E  
 669.59'(C)  
 NORTH  
 669.74'(D)

SEE SHEET 3 OF 3  
 FOR LEGEND & NOTES

SEE SHEET 1 OF 3 FOR  
 LEGAL DESCRIPTION  
 THIS SKETCH IS NOT A SURVEY

RIGHT OF WAY  
 PARCEL SKETCH

STATE ROAD 453  
 (WEKIVA PARKWAY)

CENTRAL FLORIDA  
 EXPRESSWAY  
 AUTHORITY

SECTION 429-206 (2C)

DRMP PROJECT NO. 12-0150.000	SHEET 2 OF 3	DATE: 08/14/14
ADD REMAINDER	CWW	11/14
PER COMMENTS	CWW	9/14
REVISION	BY	DATE
REVISION	BY	DATE

SKETCH PREPARED BY



**DRMP**  
 ENGINEERS • SURVEYORS • PLANNERS • ARCHITECTS  
 941 LAKE BALDWIN LANE  
 ORLANDO, FLORIDA 32814  
 (407) 896-0994  
 L.B. No. 2648

PARCEL: 319

NOTES:



1. BEARINGS SHOWN HEREON ARE BASED ON THE EAST LINE OF THE NORTHWEST 1/4 OF SECTION 35, TOWNSHIP 19 SOUTH, RANGE 27 EAST AS BEING NORTH 00°54'46" EAST, BASED ON NAD83, STATE PLANE COORDINATES, FLORIDA EAST ZONE.
2. THIS PARCEL SKETCH IS NOT A SURVEY. NO CORNERS WERE SET OR RECOVERED IN THE FIELD FOR THE PURPOSE OF PREPARING THIS SKETCH, EXCEPT AS SHOWN.
3. PARCEL INFORMATION SHOWN HEREON IS SUPPORTED BY COMMITMENT FOR TITLE INSURANCE, SHUTTS AND BOWEN LLP ORDER No. 4876568, DATED JULY 13, 2014.

LEGEND:

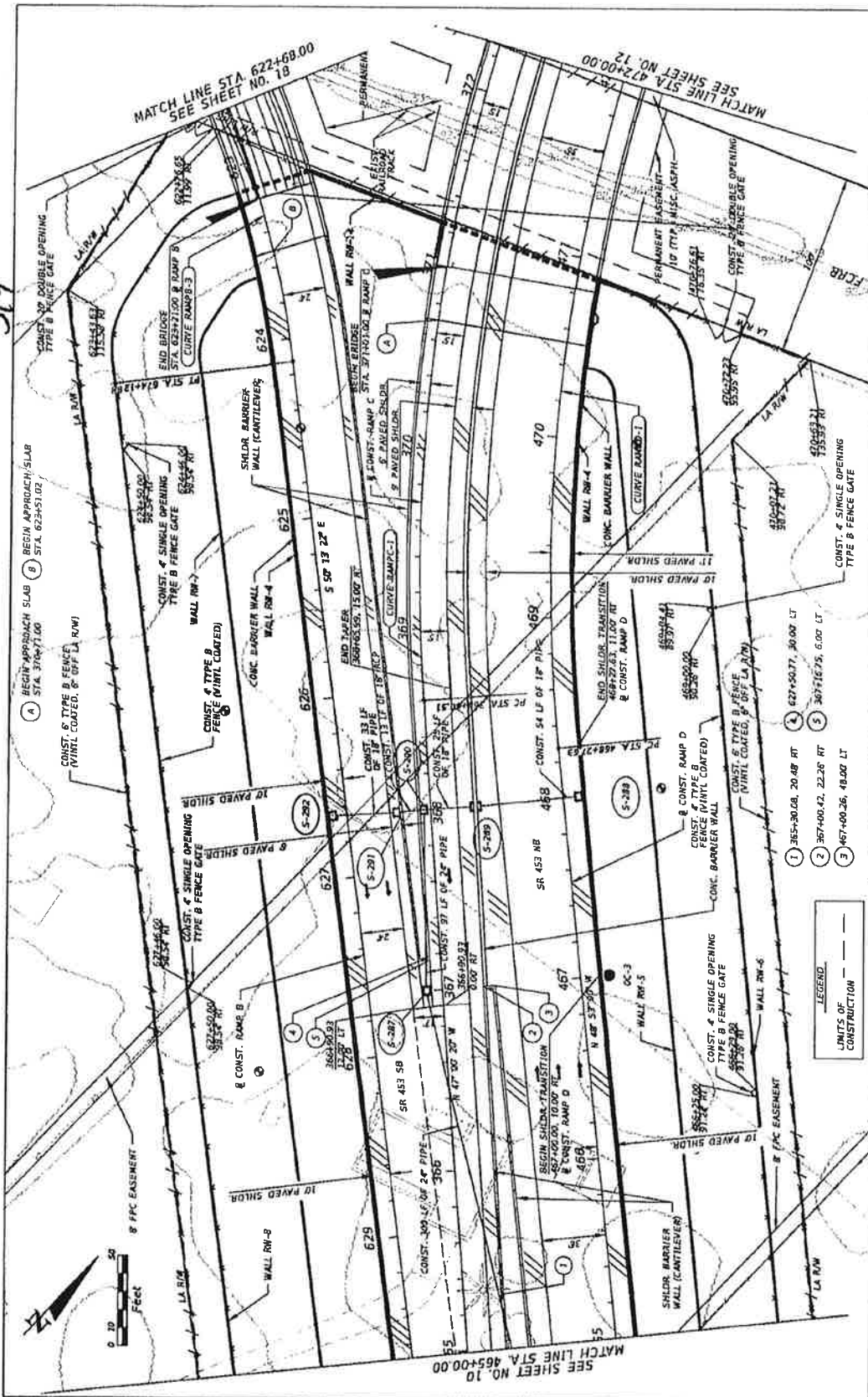
A.C.L.R.R.	=	ATLANTIC COAST LINE RAIL ROAD	OR	=	OFFICIAL RECORDS BOOK
(C)	=	CALCULATED DATA	R	=	PROPERTY LINE
C.B.	=	CHORD BEARING	P.O.B.	=	POINT OF BEGINNING
C.D.	=	CHORD LENGTH	P.O.C.	=	POINT OF COMMENCEMENT
COR.	=	CORNER	No.	=	NUMBER
CM	=	CONCRETE MONUMENT	PG	=	PAGE
(D)	=	DESCRIBED DATA	R	=	RADIUS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

SEE SHEET 2 OF 3 FOR SKETCH OF DESCRIPTION

SEE SHEET 1 OF 3 FOR LEGAL DESCRIPTION  
THIS SKETCH IS NOT A SURVEY

RIGHT OF WAY PARCEL SKETCH		STATE ROAD 453 (WEKIVA PARKWAY)		CENTRAL FLORIDA EXPRESSWAY AUTHORITY		SECTION 429-206 (2C)	
 ALLEN V. QUICKEL FLORIDA REGISTERED LAND SURVEYOR NO. 6481 (NOT VALID UNLESS SIGNED AND SEALED)		DRMP PROJECT NO. 12-0150.000		SHEET 3 OF 3		DATE: 08/14/14	
		ADD REMAINDER		CWW		11/14	
		PER COMMENTS		CWW		9/14	
		REVISION		BY		DATE	
		 SKETCH PREPARED BY <b>DRMP</b> ENGINEER • SURVEYOR • PLANNER • CONSULTANT 941 LAKE BALDWIN LANE ORLANDO, FLORIDA 32814 (407) 896-0594 L.B. No. 2648		SCALE: 1" = 200'		CHECKED: ALQ	

319



NO.	DESCRIPTION	DATE	REVISIONS

<p><b>DRMP</b>          DRMP ENGINEERING, INC.          141 S.W. 10TH AVENUE, SUITE 200, MIAMI, FLORIDA 33134          (305) 571-1111 FAX (305) 571-1112          DRMP INC. IS AN EQUAL OPPORTUNITY EMPLOYER</p>	<p>CFX PROJ. NO. 429-206</p>	<p>CENTRAL FLORIDA EXPRESSWAY AUTHORITY</p>	<p>PLAN SHEET 11          RAMPS C &amp; D</p>	<p>SHEET NO. 41</p>
----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------	---------------------------------------------	---------------------------------------------------	---------------------

**PHOTOGRAPHS**



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



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

**PHOTOGRAPHS**



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



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



**PHOTOGRAPHS**



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



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

**PHOTOGRAPHS**



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



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

**PHOTOGRAPHS**



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



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

**PHOTOGRAPHS**



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



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

Parcel: 319  
Project: Wekiva Parkway 429-206  
County: Lake

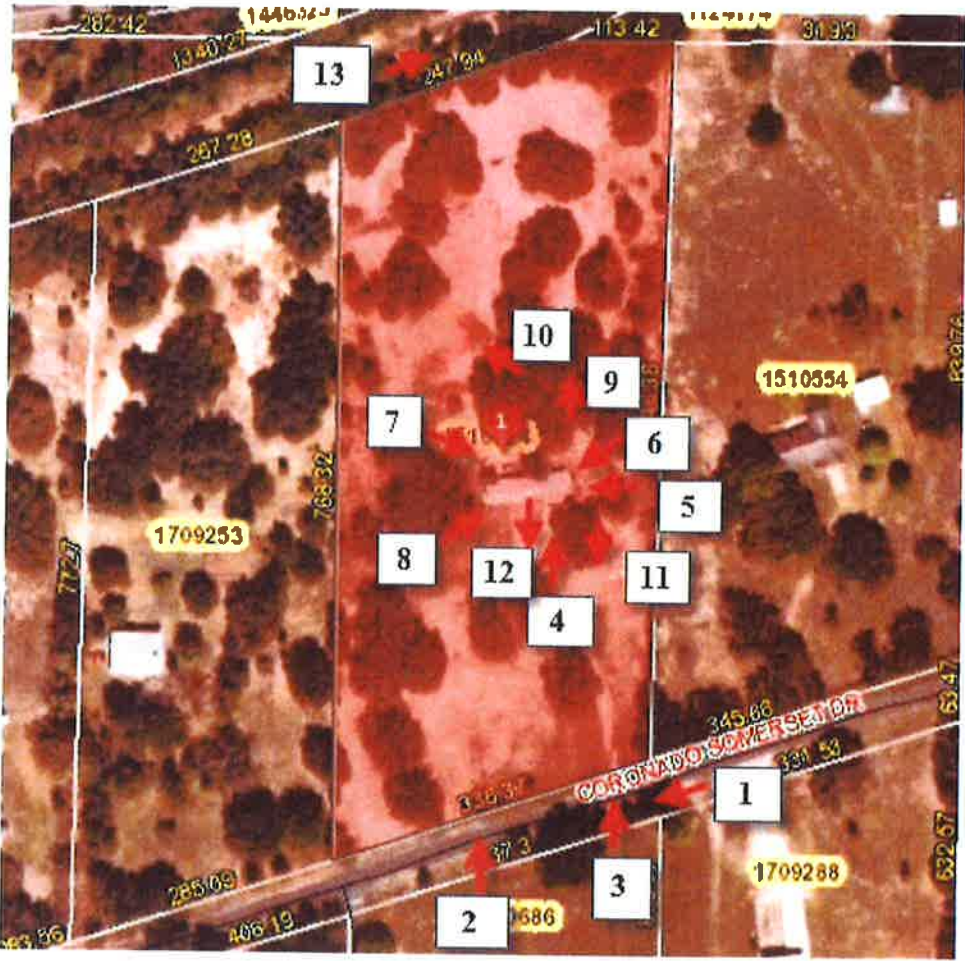
**PHOTOGRAPHS**



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

Parcel: 319  
Project: Wekiva Parkway 429-206  
County: Lake

Aerial Site Map of Subject with Camera Angles



Aerial from the Lake County Property Appraiser's Website