### CENTRAL FLORIDA EXPRESSWAY AUTHORITY

#### Agenda CENTRAL FLORIDA EXPRESSWAY AUTHORITY RIGHT-OF-WAY COMMITTEE February 22, 2017 2:00 p.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.** <u>APPROVAL OF MINUTES</u> – January 25, 2017 TAB A Requesting approval of the 01/25/17 minutes. Action Item.

#### S.R. 429 (NGUYEN AND HUYNH) WEKIVA PARKWAY PROJECT (PROJECT 429-204) PARCEL 255 – Trippe Cheek, Winderweedle, Haines, et. al. Requesting the Committee's recommendation for Board approval of a proposed settlement agreement. Action Item.

 5. <u>S.R. 429 (MERRILL AND S&L NURSERIES) WEKIVA PARKWAY PROJECT</u> (PROJECT 429-202) PARCEL 158 PARTS A & B *Trippe Cheek, Winderweedle, Haines, et. al.* Requesting the Committee's recommendation for Board approval of the proposed settlement agreement. Action Item.
 6. <u>S.R. 429 (SIMMONS) WEKIVA PARKWAY PROJECT (PROJECT 429-203)</u>

 PARCEL 168 – Linda Brehmer Lanosa, CFX, on behalf of Suzanne Driscoll,
 TAB D

 Shutts & Bowen
 Requesting the Committee's recommendation for Board approval of the proposed settlement agreement.
 Action Item.

 7. S.R. 429 (ORANGE COUNTY FLORIDA) WEKIVA PARKWAY PROJECT
 TAB E

 (PROJECT 429-202) PARCEL 135
 – Linda Brehmer Lanosa, CFX
 TAB E

 Requesting the Committee's recommendation for Board approval of the proposed settlement agreement. Action Item.
 TAB E

#### 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 at least three business days prior to the event.

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### CENTRAL FLORIDA EXPRESSWAY AUTHORITY

MINUTES CENTRAL FLORIDA EXPRESSWAY AUTHORITY Right of Way Committee Meeting January 25, 2017 Location: CFX Boardroom

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 Jean Jreij, Seminole County Representative

<u>Committee Members Not Present:</u> Brendon Dedekind, Citizen Representative Christopher Murvin, Citizen Representative

<u>CFX Staff Present at Dais:</u> 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

Mr. Passiatore announced that the CFX Boardroom has new Audio Visual Equipment which includes microphones and new screens. This meeting is being streamed internally as a test of the new system.

#### Item 3: APPROVAL OF MINUTES

Action: A motion was made by Ms. Botts and seconded by Mr. Raymond to approve the December 1, 2016 Right of Way Committee meeting minutes as presented.

Vote: The motion carried unanimously with five (5) members present and voting AYE by voice vote. Mr. Dedekind and Mr. Murvin were not present.

#### Item 4: S.R. 429 (CFX) WESTERN BELTWAY PART C (PROJECT 429-654) PARCELS 107A AND 107B

Mr. Kurt Ardaman, City Attorney for the City of Winter Garden (the "City"), on behalf of the City, is requesting the Committee's recommendation for Board approval for four (4) strips of property from CFX for the widening of C.R. 535 and Stoneybrook West Parkway. The City's widening project will improve the access to and from S.R. 429. Mr. Ardaman provided the Committee with a map depicting the location and sizes of the parcels on a map. The City has recently received the permits needed to proceed with the traffic improvements. This will benefit access to and from S.R. 429. The limited access lines will be relocated to make sure that the rights of CFX and the protection of S.R. 429 remains in place. The CFX General Engineering Consultant (GEC) has reviewed the City's request and determined that the property is not essential for the operation of CFX's system.

Action: A motion was made by Mr. Minkoff and seconded by Ms. Botts to recommend to the Board approval of the Agreement for Right-of-Way Transfer and Continuing Maintenance between CFX and the City of Winter Garden pertaining to County Road 535 and Stoneybrook West Parkway, subject to approval of the legal descriptions and construction plans by CFX staff.

Vote: The motion carried unanimously with five (5) members present and voting AYE by voice vote. Mr. Dedekind and Mr. Murvin were not present.

#### Item 5: S.R. 429 (DAVIS) WEKIVA PARKWAY PROJECT (PROJECT 429-203) PARCELS 197/897

Mr. Small of Mateer Harbert represents CFX as Right of Way Legal counsel. This item involves a proposed settlement of an apportionment claim by Respondent, Vicki Davis d/b/a Bay Hills Equestrian Center ("Davis"). Davis was the tenant on the parent tract of property owned by Project Orlando, LLC ("Project Orlando").

The parties reached a proposed negotiated all-inclusive settlement of Davis' apportionment claim for \$60,000.00, including interest, expert fees and attorneys' fees, and cost. Davis has also agreed to assign her apportionment claim to CFX which will allow CFX to assert, prosecute, and collect any apportionment claim Davis had against the owner of Parcels 197/897.

The valuation trial regarding Parcels 197/897 is scheduled on the March 2017 trial docket.

The invoices submitted by Davis for attorneys' fees and expert fees totaled \$196,222.00. These fees were substantially reduced for an all-in settlement.

Discussion ensued regarding expert fees, costs, and attorney's fees and the amount of the apportionment claim.

Ms. Botts expressed her concerns regarding the attorney's fees being out of proportion to the claim and also with Davis' lease agreement which contained termination language.

Action: A motion was made by Mr. Minkoff and seconded by Mr. Jreij to recommend to the Board approval of the all-inclusive settlement agreement in the amount of \$60,000.00 to settle any and all remaining claims, including Ms. Davis' pending apportionment claim, attorney's fees, expert fees, and costs, provided that Ms. Davis include in the Stipulated Final Judgment an assignment to CFX of her apportionment claim against the owners of Parcels 197/897 and their successors and assigns.

Vote: The motion carried unanimously with five (5) members present and voting AYE by voice vote. Mr. Dedekind and Mr. Murvin were not present.

#### Item 6: S.R. 429 (REID) WEKIVA PARKWAY PROJECT (PROJECT 429-203) PARCEL 166

Mr. Shontz is requesting the Committee's recommendation for Board approval of a mediated settlement with Darrell D. Reid, Katie J. Reid, his wife, and Darrell Reid (the "Owners"). Mr. Shontz provided the Committee with a description and background on the parcel.

Parcel 166 consists of 4.014 acres from two contiguous parcels with a combined area of 11.57 acres. CFX's appraisal of the property was prepared by Christopher D. Starkey, MAI, of Integra Realty Resources Orlando. Mr. Starkey opined the total compensation due for the taking of Parcel 166 at \$313,675 (\$228,485 for the land, \$83,065 for the contributory value of the building improvements and \$2,125 cost to cure).

The Owners retained the appraisal services of Richard H. Parham of Calhoun, Collister & Parham, Inc., who estimated the value of the taking at \$653,300 (\$220,600 for the land, \$159,800 for improvements taken, \$270,300 for damages, and \$2,600 cost to cure). Mr. Shontz explained the arguments for the value made by the Owners' attorney.

This matter is scheduled for the April 20, 2017 trial docket. During mediation the parties reached a proposed settlement in the amount of \$569,300 (\$471,000 as full settlement of all claims for compensation, including business damages, plus statutory attorney's fees totaling \$82,500, plus expert fees, and costs totaling \$15,800).

Discussion ensued regarding the Owners' rental income. The Committee asked questions which were answered by Mr. Shontz.

Action: A motion was made by Ms. Botts and seconded by Mr. Minkoff to recommend to the Board approval of the mediated settlement agreement in the amount of \$569,300 in full settlement of all

pending claims for the taking of Parcel 166, including full compensation for the property, attorney's fees, attorney's costs, expert fees, and expert costs.

Vote: The motion carried unanimously with five (5) members present and voting AYE by voice vote. Mr. Dedekind and Mr. Murvin were not present.

#### Item 7: S.R. 429 (REID) WEKIVA PARKWAY PROJECT (PROJECT 429-203) PARCEL 167

Mr. Shontz is requesting the Committee's recommendation for Board approval of the proposed mediated settlement with Darnen Reid, (the "Owner"). This parcel is adjacent to the previous presented Parcel 166. The Owner of this Parcel is the son of the Owners of Parcel 166. In the after condition, the remainder consists of two non-contiguous parcels of land, Northern Remainder and Southern Reminder.

CFX retained the appraisal services of Christopher D. Starkey, MAI, of Integra Realty Resources Orlando. Mr. Starkey opined that the total compensation due for the taking of Parcel 167 is \$220,000.

The Owners retained the appraisal services of Richard H. Parham of Calhoun, Collister & Parham, Inc., Mr. Calhoun opined that the total compensation for the taking at \$329,500 (\$118,000 for the land, \$130,000 for the improvements taken, and \$81,500 for severance damages).

This matter is scheduled on the April 10, 2017 trial docket. During the mediation on January 4, 2017 the parties reached a settlement in the amount of \$317,782 (\$274,000 as full settlement of all claims for compensation by the property owner, \$28,347 for attorney's fees and costs, and \$15,435 for expert fees and costs).

Action: A motion was made by Mr. Raymond and seconded by Mr. Jreij to recommend to the Board approval of the mediated settlement agreement in the amount of \$317,782 in full settlement to settle all pending claims for the taking of Parcel 167, including full compensation for the property, attorney's fees, attorney's costs, expert fees, and expert costs.

Vote: The motion carried unanimously with five (5) members present and voting AYE by voice vote. Mr. Dedekind and Mr. Murvin were not present.

#### Item 8: S.R. 429 (RILEY) WEKIVA PARKWAY PROJECT (PROJECT 429-203) PARCEL 166

Mr. Shontz is requesting the Committee's recommendation for Board approval of the proposed mediated settlement with Howard Riley d/b/a The Rat Guy, (the "Tenant") for the acquisition of leasehold improvements located on Parcel 166. This item represents a claim by the Tenant, the prior item presented to the Committee was by the Owner of Parcel 166.

Howard Riley d/b/a The Rat Guy, was a tenant on Parcel 166. During his approximate 4-year tenancy, the Tenant constructed a rodent-breeding facility consisting of two (2) mobile trailer homes over which was built a wooden frame pole barn. The facility includes dirt floors, open sides and a metal roof, plumbing, electrical, and contained cages for containment of the rats which were sold as reptile food. The Tenant also had a metal shed used as the actual breeding facility for the rats.

CFX's retained the appraisal services of Christopher D. Starkey, MAI, of Integra Realty Resources Orlando. Mr. Starkey in his appraisal addendum report estimated the value for the pole barn at \$12,700.

The Tenant retained the appraisal services of Bradley J. Pierson of Pierson Appraisal Group. Mr. Pierson opined the total value of the entire improvement package by the cost approach of \$74,150. Mr. Shontz explained the valuation used by Mr. Pierson to calculate the valuation.

This matter is scheduled on the April 10, 2017 trial docket. During mediation, the parties reached a settlement in the amount of \$102,000 including all claims related to the improvements and business damages, attorney's fees and costs and experts' fees and costs.

Action: A motion was made by Mr. Raymond and seconded by Ms. Botts to recommend to the Board approval of the mediated settlement agreement in the amount of \$102,000 in full settlement of all claims for compensation in the acquisition of the tenant-owned improvements located on Parcel 166, including all statutory attorney's fees and attorney's costs, and all experts' fees and experts' costs.

Vote: The motion carried unanimously with five (5) members present and voting AYE by voice vote. Mr. Dedekind and Mr. Murvin were not present.

#### Item 9: S.R. 453 (NEW) WEKIVA PARKWAY PROJECT (PROJECT 429-206) PARCEL 314

Mr. Shontz is requesting the Committee's recommendation for Board approval of the proposed mediated settlement with Deborah New (the "Owner").

CFX retained the appraisal services of Richard K. MacMillan of The Appraisal Group of Central Florida. Mr. MacMillan opined that the total compensation due for the taking of Parcel 314 is \$285,000 (\$152,600 for the land, and \$132,400 for the improvements).

Mr. Kurt Bauerle of Harris Bauerle Ziegler Lopez, P.A. represents the Owners. Although an appraisal has not been completed. Mr. Bauerle argues that settlement of an adjacent parcel of similar size was \$478,000 and, therefore, an appropriate settlement for this parcel due to its similarity.

The parties reached a settlement in the amount of \$417,000 plus attorney's fees in the amount of \$48,510, and attorney's costs in the amount of \$4,750.

Action: A motion was made by Mr. Minkoff and seconded by Mr. Raymond to recommend to the Board approval of the mediated settlement agreement in the amount of \$470,260 in full settlement to settle all claims for compensation in the acquisition of Parcel 314 including all statutory attorney's fees and attorney's costs.

Vote: The motion carried unanimously with five (5) members present and voting AYE by voice vote. Mr. Dedekind and Mr. Murvin were not present.

#### Item 10: <u>S.R. 429 (ELLEN S. HARDGROVE AICP PLANNING CONSULTANT, INC.) WEKIVA</u> PARKWAY PROJECT (PROJECT 429-203, 204, 205 AND 206) LAND PLANNING SERVICES

Mr. Shontz is requesting the Committee's recommendation for Board approval of an addendum to the Agreement with Ellen S. Hardgrove AICP Planning Consultant, Inc., ("Land Planning Expert") to perform land planning services and litigation support services for the Wekiva Parkway Project Numbers 429-203, 429-204, 429-205, and 429-206. The Addendum to the Agreement will allow the Land Planning Expert to continue her services in the upcoming trials of several parcels on the Wekiva Parkway.

The Land Planning Expert is currently assigned work on Parcel 219 (Chapman), scheduled for trial in April; Parcel 228 (Tyszko), scheduled for trial in May; and Parcel 287/887 (Morris), scheduled for trial in November. The Addendum to the Agreement includes an upset amount of \$200,000.00.

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

Action: A motion was made by Ms. Botts and seconded by Mr. Jreij to recommend to the Board approval of the Addendum to the Agreement for Land Planning Expert Witness Consulting Services and authorize execution of the Addendum in the amount of \$200,000.

Vote: The motion carried unanimously with five (5) members present and voting AYE by voice vote. Mr. Dedekind and Mr. Murvin were not present.

#### Item 11: S.R. 429 (SMALLWOOD SIGN COMPANY) WEKIVA PARKWAY PROJECT (PROJECT 429-206) PARCEL 330 ODA

Ms. Brehmer Lanosa presented this matter to the Committee on behalf of Ms. Driscoll of Shutts & Bowen LLP. She is requesting the Committee's recommendation for Board approval for a negotiated settlement with Smallwood Sign Company, Inc. ("Smallwood").

Parcel 330 ODA comprises a total taking of a double faced outdoor advertising sign owned by Pat Smallwood of Smallwood Sign Company, Inc. Ms. Brehmer Lanosa provided the Committee with a description, pictures and background of the parcel and location.

CFX has retained the appraisal services of Walter N. Carpenter of Pinel & Carpenter, Inc. Mr. Carpenter opined the value for Parcel 330 ODA to be \$13,000.

Smallwood retained the appraisal services of Martin Englemann of Tropical Realty Appraisal Services. Mr. Engelmann's appraisal concludes the value of the subject billboard to be \$135,000.

The parties' differing valuation opinions result primarily from two (2) factors. First is the gross income as utilized in the Income Approach. At the time of his analysis, Mr. Carpenter did not have access to the current leases nor to the financial records of Smallwood. That would account for the large difference between the appraisers' conclusions. The second factor relates to the assumption regarding the length of time the billboard would continue to remain on the property but for the taking.

The parties reached a settlement in the amount of \$112,760 in full settlement of all claims (\$80,000 for the land, \$10,650 for the appraisal, \$22,110 for statutory attorney's fees).

Mr. Minkoff stated that 20 plus years ago the Smallwood Sign Company was his client. This is not a legal conflict; however, he wanted to provide full disclosure.

Discussion ensued as the method used by the appraisers for their reports.

Action: A motion was made by Mr. Raymond and seconded by Mr. Jreij to recommend to the Board approval of the settlement agreement in the amount of \$112,760 in full settlement of all claims for compensation in the acquisition of Parcel 330 ODA, including all statutory attorney's fees and attorney's costs, and all experts' fees and experts' costs.

Vote: The motion carried unanimously with five (5) members present and voting AYE by voice vote. Mr. Dedekind and Mr. Murvin were not present.

#### Item 12: S.R. 429 (ALDERMAN) WEKIVA PARKWAY PROJECT (PROJECT 429-204) PARCEL 241

Ms. Brehmer Lanosa explained that she was the corporate representative at mediation on this matter. Suzanne Driscoll, Esquire, of Shutts & Bowen represented CFX as Legal Counsel. Ms. Brehmer Lanosa is requesting approval of a mediated settlement agreement with Daryl and Laura Alderman (the "Owners") for Parcel 241. She provided the Committee with a PowerPoint Presentation with pictures and description of the parcel. CFX retained the appraisal services of David Hall, of Bullard, Hall and Adams. Mr. Hall opined the total compensation due for the taking of Parcel 241 is \$1,037,200 (\$754,200 for the land and \$283,000 for the improvements).

The Owners retained the appraisal services of Martin Englemann of Tropical Realty Appraisal Services, who estimated the value of the taking to be \$1,610,000.

The case was successfully mediated on December 22, 2016. The parties have reached a proposed allinclusive settlement in the amount of \$1,496,175 (\$1,306,000 for the land, \$138,175 for statutory attorney's fees, \$48,000 expert fees and costs, \$4,000 additional sum).

To date, the Owners received the good faith estimate of value in the amount of \$846,200 plus a replacement housing purchase additive ("Purchase Additive") in the amount of \$94,000. The Purchase Additive will be recaptured as part of the proposed settlement. The Owners received some additional relocation benefits for incidental expenses.

The Committee asked questions, which were answered by Ms. Brehmer Lanosa.

Action: A motion was made by Mr. Minkoff and seconded by Ms. Botts to recommend to the Board approval of the mediated settlement agreement in the amount of \$1,496,175 in full settlement of all claims for compensation in the acquisition of Parcel 241, including 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, subject to apportionment.

Vote: The motion carried unanimously with five (5) members present and voting AYE by voice vote. Mr. Dedekind and Mr. Murvin were not present.

#### Item 13: OTHER BUSINESS

Mr. Minkoff expressed his appreciation for the hard work by Counsel in negotiating the above settlements.

#### Item 14: ADJOURNMENT

Chairman Babcock adjourned the meeting at approximately 3:20 p.m.

Minutes approved on \_\_\_\_\_, 2017.

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 <u>publicrecords@CFXWay.com</u> or 4974 ORL Tower Road, Orlando, FL 32807.

# Tab B

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: Central Florida Expressway Authority Right of Way Committee

FROM:	James Edward Cheek, III, Right of Way Counsel	
	James Edward Cheek, III, Right of Way Counsel Winderweedle, Haines, Ward & Woodman, P.A.	/

DATE: February 8, 2017

RE: S.R. 429 Wekiva Parkway, Project 429-204; Parcels 255 - Recommendation of Approval for Settlement

Winderweedle, Haines, Ward & Woodman, P.A., right of way counsel, seeks the Right of Way Committee's recommendation for approval of a settlement with Khoi Nguyen and Thuynhan Huynh ("Owners"), for Parcel 255 (the "Taking" or "Property"), which was acquired by eminent domain for the construction of the S.R. 429 Wekiva Parkway, Project 429-204.

#### **DESCRIPTION and BACKGROUND:**

Parcel 255 involves the total taking of a 2.435 acre piece of property located on 3129 Ondich Road, approximately 1,150 feet west of Plymouth Sorrento Road, in unincorporated Orange County. The property is improved with a 1,490 square foot, three bedroom, two bathroom residence which was built in 1971. Other site improvements include a shed, wood fence with metal gates, well, septic system, and gravel driveway and parking area. The property is zoned A-1, Citrus Rural District by Orange County, and the future land use designation is Rural/Agricultural, with a maximum of one dwelling unit per ten acres.

The landowners purchased the property in 2005 for \$269,900. The property has since been abandoned, and Nationstar Mortgage Company holds an outstanding mortgage with a payoff amount of \$259,542.59. In addition, Orange County has a special assessment lien in the amount of \$2,892.43. Thus, the total amount of the outstanding obligations for the parcel is \$262,435.02.

CFX's appraisal of the property was prepared by David Hall of Bullard, Hall & Adams, Inc. Mr. Hall determined that the highest and best use of the property was for single family residential use, and that the improvements are consistent with this use and have a remaining economic life. To determine land value, Mr. Hall considered four comparable sales which were all located within very close proximity to the subject, and closed within one year of the date of taking. These sales range from an adjusted price of \$19,531 per acre to \$39,373 per acre. Mr. Hall ultimately reconciled on a value of **\$39,000 per acre**, or **\$95,000 for the total value of the** 

#### land taken.

To determine the value of the improvements, Mr. Hall considered five improved sales which ranged in value between \$76.18 per square foot and \$99.42 per square foot. He ultimately concluded on a value of \$95.00 per square foot, for a total value of \$141,600 for the improvements. Mr. Hall's valuation conclusions can be summarized as follows:

Land Value	\$ 95,000
Improvement Value	\$141,600
<b>Total Compensation</b>	\$236,600

The landowners are represented by Kent Hipp of Gray Robinson, P.A., who retained the appraisal services of Rick Dreggors with Calhoun, Dreggors & Associates, Inc. As of the date of settlement negotiations, the Court had not yet issued a case management order requiring the landowners to complete an appraisal report. However, the landowners have submitted the preliminary analysis of Mr. Dreggors, including his improved and unimproved comparable sales charts, sales write-ups, and background information.

The landowners appear to agree that the highest and best use of the subject is for continued rural residential use, with the improvements being consistent with this use and continuing to have a remaining economic life. Mr. Dreggors considered six comparable land sales with per acre values ranging from \$41,667 per acre to \$76,923 per acre. The sales identified by Mr. Dreggors are located farther away from the subject than the sales identified by Mr. Hall, based on the contention that the sales close to the subject were negatively influenced by the expressway project. The landowners concluded that the subject property's land value, as though vacant, was worth **\$50,000 per acre**, for a total land value of **\$121,750**.

Mr. Dreggors then considered seven improved comparable sales to determine the contributory value of the improvements on the subject. The value of these improvements ranged from \$108 per square foot to \$143 per square foot. The landowners reconciled on a value of \$140 per square foot, for a total improvement claim of \$208,600. Thus, the total value sought by the landowners in this case was \$330,400, as summarized below:

Land Value	\$121,750
Improvement Value	\$208,600
Total Compensation	\$330,400

#### **EXPERT AND ATTORNEY FEES:**

As the proposed settlement was reached early in the negotiation process, the landowners have submitted the invoice of only one expert: Calhoun, Dreggors & Associates in the amount of \$9,306. The landowners are willing to accept an "all-in" settlement in the amount of \$310,000. While this settlement does not apportion the settlement sum among the landowners, attorneys, and experts, an allocation can be estimated based in part on the statutory attorney fee formula provided in §73.092(c), Florida Statutes. This estimated allocation is provided below for informational purposes:

Compensation to the Landowner	\$280,000
Attorneys' Fees	\$ 24,000
Expert Fees	\$ 6,000
Total "All-In" Settlement	\$310,000

CFX previously deposited \$207,200 as its good faith estimate of value. Settlement in the amount of \$310,000 would require CFX to deposit an additional \$102,800 into the court registry.

Acceptance of the proposed settlement is recommended and is in CFX's best interest. Prolonging litigation will subject CFX to additional attorney's fees and costs as well as additional expert fees and costs, which CFX would ultimately be responsible for as part of the landowner's compensation as provided by §73.091 and §73.092, *Florida Statutes*. The proposed settlement provides an estimated amount of \$280,000 to the landowners, which is only \$10,000 above the original purchase price of \$270,000 on November 10, 2005. This settlement significantly minimizes expert fees at only \$6,000, and minimizes litigation expenses by resolving this case in advance of extensive discovery, depositions, motion practice, and trial preparation. Acceptance of the proposal further eliminates the risk of a jury trial. The proposed settlement will resolve all pending matters in this case, including the property owner's attorney's fees and expert fees and costs.

#### **RECOMMENDATION:**

We respectfully request that the Right of Way Committee recommend CFX Board approval of the proposed settlement in the amount of \$310,000 in full settlement of all claims for compensation for the acquisition of Parcel 255.

#### **ATTACHMENT:**

Exhibit A-Sketch of Subject Property Exhibit B-Map Depicting Location of Property



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SUBJECT LOCATION MAP PARCEL 255

## CENTRAL FLORIDA EXPRESSWAY AUTHORITY

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Central Florida Expressway Authority Right of Way Committee February 22, 2017

Recommendation for Approval of Settlement

> S.R. 429 Wekiva Parkway Project 429-204 Parcel 255



## Aerial Photo











## The Residence and Garage/Shed







## **Appraisal Comparison**

Parcel 255	CFX	Nguyen
Total Land (2.435 acres)	\$95,000	\$121,750
Value per acre	\$39,000	\$50,000
Total Improvement Value	\$141,600	\$208,600
Value per square foot	\$95.00	\$140.00
Total Compensation	\$236,600	\$330,400



## Settlement

Parcel 255	Requested by Owner	Settlement Proposal (Estimated Breakdown)
Compensation to Owner	\$330,000.00	~\$280,000.00
Expert Fees	\$9,306.00	~\$6,000.00
Attorney's fees (statutory betterment)	<u>\$40,524.00</u>	~\$ <u>24,000.00</u>
Total	\$379,830.00	\$310,000.00



RECOMMENDATION

We respectfully request that the Right of Way Committee recommend CFX Board approval of settlement in the amount of **\$310,000.00** for Parcel 255.

# Tab C

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:	<b>Central Florida</b>	Expressway	Authority	<b>Right of</b>	Way	Committee
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FROM:	James Edward Cheek, III, Right of Way Counsel Winderweedle, Haines, Ward & Woodman, P.A.	1-
	Winderweedle, Haines, Ward & Woodman, P.A.	p

DATE: February 8, 2017

#### RE: S.R. 429 Wekiva Parkway, Project 429-202; Parcel 158 (Parts A and B) Recommendation for Board Approval of Settlement Proposal

Winderweedle, Haines, Ward & Woodman, P.A., right of way counsel, seeks the Right of Way Committee's recommendation of Board approval of a settlement with Shirley Merrill and S&L Nurseries for Parcel 158 (Parts A and B), which was acquired by eminent domain for construction of the State Road 429 Wekiva Parkway, Project 202. The Court entered an Order of Taking on July 10, 2014.

#### **DESCRIPTION and BACKGROUND:**

The subject property was owned by Clifton and Shirley Merrill (Mr. Merrill is now deceased), and is located at 3229 W. Ponkan Road in unincorporated Orange County, Florida, near Apopka. This is a total taking of 2.558 acres, which contained a working nursery known as S & L Nursery, a small residence, and other site improvements such as an office, pole barn, and various storage buildings. The Landowners purchased the property in 1977, and built and operated the nursery themselves. They rented the single-family home for \$7,200 per year, until the tenant vacated the premises in 2012, allegedly as a result of the pending taking.

S & L Nursery specialized in growing Dieffenbachia, an ornamental plant. The nursery contained approximately 44,000 square feet of greenhouse space. The greenhouses were largely constructed in two phases. The greenhouse located towards the front of the property was constructed in a more modern style, using steel beams and a polyethylene covering, and contained 14,080-15,600 square feet (measurements by the parties varied). This greenhouse was initially constructed in 1991, but 63% of it was rebuilt in 2007 after sustaining hurricane damage. The greenhouse located towards the back of the property was constructed in 1977 using wood and fiberglass, and contained approximately 28,800 square feet. At the time CFX took possession of the property, approximately 100,000 plants remained. While the owners attempted to sell as many of the plants as possible, there was no market for these items during the time of year that CFX took possession, and much of the inventory was either donated to local schools, sold at a deep discount, or disposed of.

CFX retained the services of Mr. Chad Durrance with Durrance and Associates to appraise the property. Mr. Durrance found that the highest and best use of the property was for continued use as a nursery, which is consistent with its current zoning of A-1 (Citrus Rural District). To determine land value, Mr. Durrance considered seven comparable sales which occurred between 1/14 and 1/15 (the date of deposit was 7/30/14). The sales prices ranged from \$23,400 to \$29,300 per acre, for uses that included agricultural, rural residential, and residential subdivision. All of Mr. Durrance's sales are located within close proximity to the subject, and have either similar or superior zoning designations. Mr. Durrance reconciled on the high end of the range, concluding on **\$27,500 per acre**, or **\$70,500** for the total value of the property taken.

Mr. Durrance considered the contributory value of the improvements on the property, including the greenhouses, utilizing both the Cost Approach and Sales Comparison Approach. For the Cost Approach, Mr. Durrance relied on the services of John Speer and Fred LaDue to assist in valuing the improvements and immovable fixtures. Mr. Speer estimated that the cost to replace the improvements new, including the greenhouses, would be \$795,100. Mr. Durrance then applied a 70% depreciation rate, after determining that the economic life for greenhouses generally ranges from 30 to 40 years. He therefore concluded that the improvements have a Mr. LaDue estimated the value of the immovable fixtures to be \$119,800, for value of \$238,500. Utilizing the Sales Comparison Approach, Mr. a total improvement value of \$358,300. Durrance considered seven greenhouse comparable sales to determine that the subject improvements were worth approximately \$8.50 per square foot, for a total improvement value of \$365,000. Mr. Durrance ultimately reconciled on a value in between these two approaches, for a total compensation estimate as follows:

Land Value	\$70,500
Improvement Value	\$244,700
Immovable Equipment	\$119,800
<b>Total Compensation to Landowners</b>	\$435,000

The owner is represented by Kent Hipp of Gray Robinson, P.A., who retained the appraisal services of Rick Dreggors with Calhoun, Dreggors & Associates, Inc. As to land value, Mr. Dreggors theorized that the proposed Wekiva Parkway and its various alignments have negatively impacted development in this area, and he therefore only considered sales outside the subject neighborhood. These sales ranged in value from about \$38,000-\$68,000 per acre. Mr. Dreggors ultimately reconciled on a value of **\$50,000 per acre**, or **\$128,000** for the total land value.

The most significant difference in valuation opinions relates to the nursery improvements. In the interest of minimizing expert fees, the Landowners largely adopted the findings of CFX's experts (in particular, Mr. Speer and Mr. LaDue) regarding the value of the improvements and immovable property. However, Mr. Dreggors then adjusted particular valuation items within CFX's experts' reports. Relying in part on the expertise of IBD Construction, Inc., Mr. Dreggors determined that the depreciation rate for the newer phase of greenhouses should be **35%** (rather than 70%), due in part to the fact that most of the greenhouse was replaced in 2007 after the hurricane. He then determined that the older greenhouse should be depreciated at a rate of **60%**. After making other adjustments to Mr. Speer's and Mr. Ladue's analysis, Mr. Dreggors reconciled on a value of **\$558,100** for improvements and immovable items using the Cost Approach method.

Mr. Dreggors did not utilize the Sales Comparison Approach to value the improvements, as it is his opinion that the subject is a special use property that is unique and cannot be adequate valued by looking at other nursery sales.

In addition, the Landowner submitted a claim for Special Damages resulting from lost plant inventory suffered as a result of the taking. The Landowner is seeking \$70,000 for the value of lost plants, supplies and other inventory.

The Landowner's compensation claims are summarized as follows:

Land Value	\$128,000	
Improvement Value	\$558,100*	
Immovable Equipment	\$130,800	
Special Damages (i.e. plant inventory)	\$ 70,000	
<b>Total Compensation to Landowners</b>	\$886,900*	
(*these amounts have been updated since the initial reports)		

#### **EXPERT and ATTORNEY FEES / SETTLEMENT PROPOSAL:**

The Landowners have submitted expert invoices in the amount of \$33,169 as summarized below:

Calhoun, Dreggors & Assoc.	\$32,269.00
IB&S Imperial Builders and Supply	900.00
<b>Total Landowner Expert Fees</b>	\$33,169.00

CFX's expert fees in this case totaled \$58,667, as summarized below:

Durrance & Associates	\$48,464.75
Speer Construction	\$ 3,257.25
Fred B. Ladue II	\$ 6,945.00
<b>Total CFX Expert Fees</b>	\$58,667.00

The undersigned counsel has analyzed the invoice amounts of the Landowner's experts and believes that the negotiated rate included within the "all-in" settlement amount indicated below is reasonable. The Landowner's fees are below CFX's largely because of the cost-saving strategy employed by Landowner's counsel of adapting portions of CFX's experts' analysis rather than unnecessarily duplicating these efforts.

Mediation was conducted on February 2, 2017, which resulted in the mediation settlement agreement whereby the Landowners agreed to accept \$772,250 "all-in" to resolve this case. The parties executed a Settlement Agreement (attached to this memo) which states that the all-inclusive settlement proposal consists of \$650,000 of compensation to the Landowner, subject to apportionment claims, and \$122,250 for attorneys' fees, expert fees and costs. While the settlement proposal does not apportion the attorney's fee and expert fee settlement sum, an estimated break-down of this amount based on the statutory betterment formula is provided for

informational purposes:

<b>Compensation to Landowners</b>	\$650,000
Attorney's fees (Kent Hipp) (estimate)	96,250
Expert fees and costs (estimate)	26,000
Total "All-In" Settlement	\$772,250

CFX previously deposited \$345,000 into the court registry as its good faith estimate of value. A settlement in the amount of \$772,250 would require CFX to deposit an additional sum of \$427,250.

This case is scheduled to go to trial during the July 3, 2017 trial docket. Acceptance of the proposed settlement is recommended and is in CFX's best interest. Prolonged litigation will subject CFX to additional attorneys' fees and costs as well as additional expert fees and costs, which CFX would ultimately be responsible for as part of the Landowner's compensation as provided by §73.091 and §73.092, Florida Statutes. Acceptance of the proposal will eliminate further risk and unnecessary expenses for CFX in this case.

#### **RECOMMENDATION:**

The undersigned counsel respectfully requests that the Right of Way Committee recommend CFX Board approval for a settlement in the amount of \$772,250.00 to fully resolve Shirley Merrill's and S & L Nursery's interest in this case, including attorney's fees and expert fees and costs.

#### ATTACHMENTS:

Exhibit A - Sketch of Subject Property Exhibit B – Map Depicting Location of Property Exhibit C – Mediated Settlement Agreement



#### SKETCH OF DESCRIPTION

#### LEGEND AND ABBREVIATIONS

(C)	= CALCULATED	LT	= LEFT
(D)	= DEED	N:	= NORTHING
(F)	= FIELD	NO.	= NUMBER
CCR	= CERTIFIED CORNER RECORD	ORB	= OFFICIAL RECORDS BOOK
CM	= CONCRETE MONUMENT	R.	= PROPERTY LINE
DB	= DEED BOOK	PG	= PAGE
E:	= EASTING	P.O.B.	= POINT OF BEGINNING
FND	= FOUND	P.O.C.	= POINT OF COMMENCEMENT
ID	= IDENTIFICATION	RT	= RIGHT
IP	= IRON PIPE	R/W	= RIGHT OF WAY
IR	= IRON ROD	SQ	= SQUARE
IRC	= IRON ROD AND CAP	STA	= STATION
LA	= LIMITED ACCESS		

#### **GENERAL NOTES:**

- 1. THE PURPOSE OF THIS SKETCH IS TO DELINEATE THE DESCRIPTION ATTACHED HERETO. THIS DOES NOT REPRESENT A BOUNDARY SURVEY.
- 2. THE BEARINGS SHOWN HEREON ARE RELATIVE TO THE FLORIDA STATE PLANE COORDINATE SYSTEM, NORTH AMERICAN DATUM OF 1983/2007 ADJUSTMENT (NAD83/07), EAST ZONE, WITH THE SOUTH LINE OF THE SOUTHEAST 1/4 OF SECTION 24, TOWNSHIP 20 SOUTH, RANGE 27 EAST, HAVING A BEARING OF NORTH 89°49'04" WEST.
- 3. UNLESS IT BEARS THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER, THIS SKETCH IS FOR INFORMATIONAL PURPOSES ONLY.
- 4. THIS SKETCH MAY HAVE BEEN REDUCED IN SIZE BY REPRODUCTION. THIS MUST BE CONSIDERED WHEN OBTAINING SCALED DATA.
- 5. A CERTIFICATE OF TITLE INFORMATION PREPARED BY FIRST AMERICAN TITLE INSURANCE COMPANY DATED OCTOBER 24, 2012, FILE NO. 2037-2833368, WAS REVIEWED BY THE SURVEYOR. EXCEPTIONS LISTED THEREIN (IF ANY) WHICH AFFECT THE PARCEL DESCRIBED HEREON, WHICH CAN BE DELINEATED OR NOTED, ARE SHOWN HEREON.
- 6. CITY LIMITS SHOWN HEREON ARE TAKEN FROM THE ORANGE COUNTY GEOGRAPHIC INFORMATION SYSTEM SITE AND ARE APPROXIMATE.
- 7. ALL RECORDING REFERENCES SHOWN ON THIS SKETCH REFER TO THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, UNLESS OTHERWISE NOTED.

SHEET 3 OF 3

8. THIS SKETCH IS NOT A SURVEY.

SEE SHEET 1 FOR LEGAL DESCRIPTION SEE SHEET 2 FOR SKETCH OF DESCRIPTION

REVISED PER COMMENTS REVISION		05/09/2013	THE BEST OF MY KNOWLEDGE DESCRIPTION AND SKETCH MEI FORTH BY THE FLORIDA BOAR CHAPTER 51-17, FLORIDA BAR OF THE FLORIDA STATUTES	LEGAL DESCRIPTION AND SKETCH IS CORRECT TO AND BRUEF J FURTHER CERTIFY THAT THIS LEGAL ETS THE MINUM TECHNICAL SIANDARDS AS SET D OF PROFESSIONAL DUR FORS AND MAPPERS IN INISTRATIVE CODE, PURSIANT TO CHAPTER 472 WILL TO NOTES AND NOTATIONS SHOWN HEREON. 9-11-2013	
		DATE	H. Paul deVivero, Professional	Land Surveyor No. 4990	DATE
FOR: ORLANDO-ORANGE COUNTY EXPRESSWAY AUTHORITY DATE: MARCH 28, 2013 PROJECT NO.: H20-01 DRAWN: PMM CHECKED: JMS	STATE ROAD 429 OOCEA PROJECT NO. 42 PARCEL NO. 158		T NO. 429-202	SURVEYI 2700 WE SUI MAITLAND, VOICE: (407) 660-2	CONSULTANTS, INC. NG & MAPPING STHALL LANE TE 137 FLORIDA 32751 3222 FAX: 660-8223 NESS LICENSE NO. 6556





#### 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 - (A - 001972 - 0)Subdivision 39

Petitioner,

Subdivision <u>39</u> Parcel <u>158 (Parts</u> A+B)

<u>Clifton J Merrill, Jr.</u>, Shirley Ann Merrill, <u>StL Nursery</u>, et. al.

Respondent(s).

#### MEDIATED SETTLEMENT AGREEMENT

At the Mediation Conference held on Feb. 2,2017 Respondent(s), <u>Clifton J. Merrill, Jr. Shirley Ann Merrill + StLNurscry</u> and representatives of the Central Florida Expressway Authority reached the following Settlement Agreement:

Petitioner will pay to Respondent(s), <u>Clifton J. Merrill Jr.</u> 1. Shirley Ann Merrill and St L Nursery (referred to as "Respondent") the sum of Seven Hundred Seventy - Two Thousand Two Hundred Fifty Dollars exactly (\$  $772, 250 \times$  ), in full settlement of all claims for compensation from Petitioner whatsoever for the taking of Parcel 15" (Parts A+ -), including statutory interest and all claims related to real estate and business damages, sever nee damages, tort damages, attorney's fees and litigation costs, expert witness fees, and 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 amount of Three Hundred Forty-Five Thousand Dollars (\$ 345,000 ). 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 Four Hundred Twenty-Seven Thousand Two Hundred Fifty Dollars Dollars exactly (\$427250), representing the difference between the total settlement sum referenced above and the Petitioner's previous deposit in this case.

2. 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 5. . . . . . conditioned upon final approval by the ROW Committee and then the CFX Board.

\* Thes amount consists of \$650,000 of compensation w to the Respondents, subject to apportionment claims, and \$122,250 of attorneys' fees, expert fees and costs

The parties agree to continue the trial of this matter pending review by the CFX 3. ROW Committee and CFX Board.

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

Counsel for Petitioner will submit to the Court a standard Motion for Stipulated 5. 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.

This Agreement resolves all claims whatsoever, including claims of I.M. 6. compensation arising from the taking of Parcel 158 (Brt ArB), severance damages, business damages, tort damages, interest, attorney's fees, attorney's costs, expert fees, expert costs, and any other claim. In addition, this sum resolves all appirtion ment claims induding supplemental attorneys fees and costs related to

This Settlement Agreement, executed by the parties and their counsel on this apportion-7. day of February, 2017, contains all the agreements of the parties. ment

Print Name: Shirler

as Owner, Owner of 5 GL Nurser, Representative of the B

claims

the Estate & Clitton J. Merill. Jo

Print Name: Lins A S.B. 6 12082 Central Florida Expressway Authority

Holan

Print Name: Richard Veinman Counsel for CFX

Mediator ~~

Print Name: Chiten J. Merrill III-Owner Personal Reproductative of the Estate of clifton J. Murill, Tr. Print Name: LAWRENCE M WATZON JE Print Name: Kent L. annem Attorney for Owner

## CENTRAL FLORIDA EXPRESSWAY AUTHORITY

. .....


Central Florida Expressway Authority Right of Way Committee February 22, 2017

### RECOMMENDATION FOR APPROVAL OF SETTLEMENT

S.R. 429 Wekiva Parkway Project 429-202 Parcel 158



































### **Appraisal Comparison**

PARCEL 158	CFX	Nguyen
Land Value	\$70,500	\$128,000
Improvement Value	\$244,700	\$558,100
Immovable Equipment	\$119,800	\$130,800
Special Damages – Plant		
Inventory	0	\$70,000
Total Compensation	\$435,000	\$886,900





PARCEL 158	REQUESTED BY OWNER	SETTLEMENT PROPOSAL (ESTIMATED BREAKDOWN)
Compensation to Owner	\$886,900	\$650,000
Expert Fees	\$155,475	\$96,250
<u>Attorney's fees (statutory</u> <u>betterment)</u>	<u>\$33,169</u>	<u>\$26,000</u>
Total	\$1,075,544	\$772,250



# We respectfully request that the Right of Way Committee recommend CFX Board approval of settlement in the amount of **\$772,250.00** for Parcel 158.

## Tab D



#### MEMORANDUM

TO:	Central Florida Expressway Authority Right of Way Committee Members	CLIENT-MATTER NO.: 19125.0085
FROM:	Suzanne M. Driscoll, Esq., Right-of-Way	Counsel
CC:	Linda Brehmer Lanosa	
DATE:	February 3, 2017	
RE:	State Road 429 Wekiva Parkway, Project	

Proposed Settlement Offer for Klepzig Easement Interest

Shutts & Bowen LLP, Right-of-Way Counsel, seeks the recommendation of the Right-of-Way Committee of a negotiated settlement between the CENTRAL FLORIDA EXPRESSWAY AUTHORITY ("CFX") and DENNIS R. KLEPZIG and JOANN KLEPZIG, husband and wife, ELLEN CHRISTINE POTTS n/k/a ELLEN CHRISTINE KLEPZIG POTTS, JAMES ROGER KLEPZIG and JILL LYNETTE KLEPZIG n/k/a JILL LYNETTE KLEPZIG-FOX (collectively "Klepzig"), for the acquisition of their Ingress/Egress Easement held over a portion of Parcel 168 which was acquired for the construction of State Road 453 Wekiva Parkway, Project 429-203.

#### DESCRIPTION AND BACKGROUND

Parcel 168 comprises a partial taking of a residentially improved property owned by Phillip M. Simmons. ("Simmons"). CFX took title to the Parcel on June 3, 2014, and resolved the claims of Simmons, as well as 24 other interested parties, with the exception of Klepzig, pursuant to a Stipulated Final Judgment and Order of Apportionment, copies of which are attached hereto as **Exhibit "A" and "B."** 

#### KLEPZIG SETTLEMENT

Klepzig asserted a claim for the value of their easement and on October 3, 2014, served CFX with an Offer of Judgment in the amount of \$10,000. The Offer was rejected by CFX. Following the owner's (Simmons) acceptance of CFX's Offer of Judgment, Klepzig asserted that it had an apportionment claim against the proceeds to be awarded to Simmons. While the Klepzig' apportionment claim appeared frivolous, negotiations were undertaken in an effort to

avoid any further litigation costs. Ultimately, Klepzig agreed to accept the nominal sum of \$100.00, exclusive of fees and costs.

#### FEES AND COSTS

Section 73.092(2), Florida Statutes, requires condemning authorities to pay reasonable attorney's fees incurred by a respondent in connection with claims for apportionment. Those fees are calculated on an hourly basis. Attached as **Exhibit "C"** is a copy of the attorney time records maintained by Klepzig's attorney, Harold Lassman, of the Maguire Lassman Firm. It appears from the records that Mr. Lassman devoted approximately 15 hours of time in connection with Parcel 168. We negotiated \$1,400.00 as full payment for the attorney's fees for Parcel 168 (4 hours @ \$350/hr.). Furthermore, Section 73.091, Florida Statutes, requires the payment of all reasonable costs incurred by a party in defense of his or her claims. Attached as **Exhibit "D"** is a copy of Florida Real Estate Analysts, Inc.'s appraisal invoice in the amount of \$1,125.00. We negotiated \$1,000.00 as full payment for this invoice.

#### RECOMMENDATION

For the above-cited reasons, Right-of-Way counsel respectfully requests that the CFX Right of Way Committee recommend to the CFX Board a total settlement, inclusive of attorney's fees and expert costs, in the amount of \$2,500.00, in full settlement of all compensation for all claims asserted by Respondents, Klepzig with respect to the acquisition of Parcel 168 which is in CFX best interest. A copy of the executed Settlement Agreement between CFX and Klepzig is attached as **Exhibit "E."** 

Settlement of the underlying claim, and all fees and costs will eliminate further risk and unnecessary expenses that the CFX will ultimately incur with further litigation of the apportionment claim relative to Parcel 168.

#### ATTACHMENTS

Exhibit "A" - Stipulated Final Judgment Upon Offer of Judgment as to Parcel 168

- Exhibit "B" Order Granting Respondent's Motion for Withdrawal and Apportionment of Funds for Parcel 168
- Exhibit "C" Maquire Lassman, P.A. Attorney Time Records
- Exhibit "D" Florida Real Estate Analysts, Inc. Invoice
- Exhibit "E" Settlement Agreement

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

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

Petitioner,

ν.

CASE NO.: 2014-CA-003698-O

DARRELL D. REID and KATIE J. REID, et al.,

Respondents.

Parcel 168

Subdivision 39

#### STIPULATED FINAL JUDGMENT UPON OFFER OF JUDGMENT AS TO PARCEL 168

THIS CAUSE having come on for consideration upon the Joint Motion made by the Petitioner, CENTRAL FLORIDA EXPRESSWAY AUTHORITY ("CFX"), and the Respondent, PHILLIP M. SIMMONS, ("Respondent") as the fee owner of Parcel 168, for entry of a Final Judgment in accordance with Respondent's acceptance of the Offer of Judgment of Petitioner, and it appearing to the Court that the parties were authorized to enter into such motion, the Court finding that the compensation to be paid by the Petitioner is full, just and reasonable for all parties concerned, and the Court being otherwise fully advised in the premises, it is now, therefore

#### **ORDERED AND ADJUDGED** as follows:

1. That the Respondent, PHILLIP M. SIMMONS, does have and recover of and from the Petitioner the sum of THREE HUNDRED, THIRTY THOUSAND AND NO/100 DOLLARS (\$330,000.00), subject to apportionment claims, if any, in full payment for the property designated as Parcel 168 hcrein taken, severance damages, business damages, tort

#### CASE NO.: 2014-CA-003698-O (Parcel 168)

damages, if any, and all other damages and claims with the exception of attorney's fees, expert fees and costs.

2. That title to the following described property, to wit: Exhibit "A" which vested in the Petitioner pursuant to the Stipulated Order of Taking and deposit on June 3, 2014, heretofore made, is hereby approved, confirmed and ratified.

3. That within twenty (20) days after receipt by the Petitioner of this Final Judgment, Petitioner shall deposit into the Registry of the Court the sum of ONE HUNDRED THIRTY-NINE THOUSAND, EIGHT HUNDRED SEVENTY AND NO/100 DOLLARS (\$139,870.00), this sum being the difference between the Petitioner's initial deposit of \$190,300.00 and the final award pursuant to Paragraph 1 herein (subject to apportionment claims, if any), plus a \$170.00 clerk's fee.

4. That this Court retains and reserves jurisdiction to enforce the terms of this judgment, and to determine any supplementary and post judgment matters, if applicable.

DONE AND ORDERED at Orlando, Orange County, Florida, this \_\_\_\_\_ day of February, 2017

#### /s/ CHRISTI UNDERWOOD Circuit Judge

CHRISTI L. UNDERWOOD Circuit Judge

#### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that the foregoing was filed with the Clerk of the Court this 2 day of  $\underline{\mathcal{M}\mathcal{M}\mathcal{M}\mathcal{M}}$ , 2017, by using the Florida Courts E-Filing Portal System. Accordingly, a copy of the foregoing is being served on this day to all attorneys/interested parties identified on the ePortal Electronic Service List, via transmission of Notices of Electronic Filing generated by the ePortal System. Petitioner's counsel is responsible for the service by US Mail of any party or interest with a mailing address only.

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Judicial-Assistant

#### CASE NO.: 2014-CA-003698-O (Parcel 168)

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

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

Petitioner,

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DARRELL D. REID and KATIE J. REID, et al.,

Respondents.

CASE NO.: 2014-CA-003698-O

Parcel 168

Subdivision 39

#### JOINT MOTION FOR ENTRY OF STIPULATED FINAL JUDGMENT UPON OFFER OF JUDGMENT AS TO PARCEL 168

The Petitioner, CENTRAL FLORIDA EXPRESSWAY AUTHORITY, and the Respondent, PHILLIP M. SIMMONS, by and through their undersigned counsel, respectfully

move for entry of the foregoing Stipulated Final Judgment Upon Offer of Judgment as to Parcel

168. The undersigned are authorized to enter into this Motion.

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SUZANNE M. DRISCOLL, ESO. sdriscoll@shutts.com Florida Bar No. 827797 DAVID A. SHONTZ, ESQ. dshoutz@shutts.com Florida Bar No. 0630519 SHUTTS & BOWEN LLP 300 S. Orange Avenue, Suite 1000 Post Office Box 4956 Orlando, Florida 32802-4956 (407) 835-6722 (407) 849-7273 (fax) ehumaran@shutts.com; mfarmer@shutts.com Attorneys for Petitioner, Central Florida Expressway Authority Dated: February | , 2017

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THOMAS P. CALLAN, ESQ. tcallan@callanlaw.com Florida Bar No. 729050 CALLAN LAW FIRM, PA 921 Bradshaw Terrace Orlando, Florida 32806-1209 Telephone: (407) 426-9141 Facsimile: (407) 426-0567 Email: tcallan@callanlaw.com cfilings@callanlaw.com Attorneys for Respondent, Phillip M. Simmons Dated: February \_\_\_\_, 2017

#### CASE NO.: 2014-CA-003698-O (Parcel 168)

CFX v Darrell D. Reid and Katie J. Reid, Etc., et al. Case Number 2014-CA-3698-O Parcel 168 SERVICE LIST

#### DAVID A. SHONTZ, ESQ. SUZANNE M. DRISCOLL, ESQ. dshontz@shutts.com sdriscoll@shutts.com SHUTTS & BOWEN LLP Secondary E-Mail: <u>tmartin@shutts.com</u>; <u>mfarmer@shutts.com</u> <u>ehumaran@shutts.com</u> Attorneys for Petitioner,

Central Florida Expressway Authority

CHRISTY WILSON, III, ESQ. jcwilson@wilsonassociatespa.com J.C. Wilson & Associates, P.A. 437 North Magnolia Avenue Orlando, Florida 32801-1524 dsmith@wilsonassociatespa.com bkarlsson@wilsonassociatespa.com Attorneys for Respondents, Jack V. Cravey Joyce A. Cravey James V. Cravey Ellis L. Hall C'Sandra K. Hall Jane A. Harper Thomas J. Harper Michael Shulman

#### SCOTT R. McHENRY, ESQ.

Assistant County Attorney Orange County Attorney's Office 201 S. Rosalind Avenue, Third Floor Orlando, Florida 32802-1393 Scott.McHenry@ocfl.net Judith.Catt@ocfl.net Attorneys for Respondent, Orange County, a political subdivision of the State of Florida

#### THOMAS P. CALLAN, ESQ.

Callan Law Firm, P.A. 921 Bradshaw Terrace Orlando, Florida 32806-1209 tcallan@callanlaw.com mrichmond@callanlaw.com Attorney for Respondent, Phillip M. Simmons

#### NICHOLAS A. SHANNIN, ESQ.

Orange County Clerk of Court 425 N. Orange Avenue, Suite 2110 Orlando, Florida 32802-4994 Debbie.fafalios@myorangeclerk.com ADM-ContactAdminDiv@myorangeclerk.com Attorneys for Respondent, Orange County Clerk of Courts

**RAYMER F. MAGUIRE, III, ESQ.** HAROLD A. LASSMAN, ESO. Maguire & Lassman, P.A. 605 East Robinson Street, Suite 140 Orlando, Florida 32801-2041 Raymer@Maguire-EminentDomain.com Lassman@Maguire-EminentDomain.com teri@maguire-eminentdomain.com Attorneys for Respondents, Dennis R. Klepzig JoAnn Klepzig Ellen Christine Potts, n/k/a Ellen Christine Klepzig Potts James Roger Klepzig Jill Lynette Klepzig, n/k/a Jill Lynette Klepzig-Fox

CASE NO.: 2014-CA-003698-O (Parcel 168)

I. WILLIAM SPIVEY, II, ESQ. COURTNEY M. KELLER, ESQ. Greenberg Traurig, P.A. 450 South Orange Avenue, Suite 650 Orlando, FL 32801 spiveyw@gtlaw.com kellerc@gtlaw.com turners@gtlaw.com FLService@gtlaw.com Attorneys for Respondent, The Patriot Group, LLC

Served via U.S. Mail Only:

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Project Orlando, LLC, a Florida limited liability company James R. Palmer, Registered Agent 1900 Summit Tower Blvd., Suite 600 Orlando, FL 32810

ORLANDO-ORANGE COUNTY EXPRESSWAY AUTHORITY WEKIVA PARKWAY - PROJECT NO. 429-203 LIMITED ACCESS RIGHT OF WAY ESTATE: FEE SIMPLE

LEGAL DESCRIPTION:

A PARCEL OF LAND LOCATED IN THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 24, TOWNSHIP 20 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT A FOUND RAILROAD SPIKE WITH NO IDENTIFICATION MARKING THE NORTHEAST CORNER OF THE-SOUTHEAST QUARTER OF SECTION 24, TOWNSHIP 20 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA; THENCE SOUTH 89°27'56" WEST ALONG THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 24, A DISTANCE OF 1336.19 FEET TO ITS INTERSECTION WITH THE EAST LINE OF THE WEST HALF OF SAID SOUTHEAST QUARTER; THENCE DEPARTING SAID NORTH LINE RUN SOUTH 00°14'39" WEST ALONG SAID EAST LINE, A DISTANCE OF 1322.99 FEET TO ITS INTERSECTION WITH THE SOUTH LINE OF THE EAST HALF OF THE NORTHWEST QUARTER OF SAID SOUTHEAST QUARTER AS MONUMENTED AND OCCUPIED FOR THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 00°14'39" WEST ALONG SAID EAST LINE, A DISTANCE OF 661.25 FEET TO ITS INTERSECTION WITH THE SOUTH LINE OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER; THENCE DEPARTING SAID EAST LINE RUN NORTH 89°59'38" WEST ALONG SAID SOUTH LINE, A DISTANCE OF 15.00 FEET; THENCE DEPARTING SAID SOUTH LINE RUN NORTH 00°14'39" EAST, A DISTANCE OF 661.21 TO A POINT ON AFORESAID SOUTH LINE RUN NORTH 645' HALF OF THE NORTHWEST QUARTER OF SAID SOUTHEAST QUARTER; THENCE NORTH 645' HALF OF THE NORTHWEST QUARTER OF SAID SOUTH LINE RUN NORTH 89°50'02" EAST ALONG SAID SOUTH LINE, A DISTANCE OF 661.21 TO A POINT ON AFORESAID SOUTH LINE RUN NORTH 89°50'02" EAST ALONG SAID SOUTH LINE, A DISTANCE OF SAID SOUTHEAST QUARTER; THENCE NORTH 89°50'02" EAST ALONG SAID SOUTH LINE, A DISTANCE OF 15.00 FEET TO THE POINT OF 86GINNING.

TOGETHER WITH ALL RIGHTS OF INGRESS, EGRESS, LIGHT, AJR AND VIEW TO, FROM OR ACROSS ANY STATE ROAD 429 RIGHT OF WAY PROPERTY WHICH MAY OTHERWISE ACCRUE TO ANY PROPERTY ADJOINING SAID RIGHT OF WAY.

CONTAINING 9918 SQUARE FEET, MORE OR LESS

NOTE:

THIS SKETCH OF DESCRIPTION WAS PREPARED WITH THE BENEFIT OF CERTIFICATE OF TITLE INFORMATION PREPARED BY FIRST AMERICAN TITLE INSURANCE COMPANY AS TO FILE NO. 2037-2846784 DATED 11/02/2012, UPDATED FILE NO. 19125-0085 DATED 10/24/2013 AND UPDATED FILE FROM SHUTTS AND BOWEN LLP, REVISION "B", FIDELITY NATIONAL TITLE INSURANCE COMPANY ORDER NO. 4592225, DATED 11/07/2013



EXHIBIT "A"



#### Filing # 51935085 E-Filed 02/01/2017 03:26:04 PM

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

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

Petitioner,

vs.

CASE NO.: 2014-CA-003698-O Subdivision 39

DARRELL D. REID and KATIE J. REID, ETC., Parcel: No. 168 et al., Simmons

Respondents.

#### ORDER GRANTING RESPONDENT'S MOTION FOR WITHDRAWAL AND APPORTIONMENT OF FUNDS FOR PARCEL 168

THIS CAUSE having come before the Court upon the Motion of Respondent, PHILLIP M. SIMMONS, to withdraw the funds to be deposited with the Court Registry by Petitioner, CENTRAL FLORIDA EXPRESSWAY AUTHORITY ("CFX") for the taking of Parcel 168 once the Final Judgment is entered in this case and the Court having considered this Motion and being fully advised in the premises, it is therefore

#### **ORDERED AND ADJUDGED** that

1. This Court finds that all parties listed as having potential interest(s) have been served notice for the Respondent's, Phillip M. Simmons, Amended Motion for Withdrawal and Apportionment of Funds for Parcel 168 and that at the hearing held at the time and place noted in the Notice was in attendance only the attorneys for the Petitioner, the attorney for Respondent Phillip M. Simmons and the attorney for Respondents Dennis R. Klepzig, JoAnn Klepzig, Ellen Christine Potts, n/k/a Christine Klepzig Potts, James Roger Klepzig, and Jill Lynette Klepzig, n/k/a Jill Lynette Klepzig-Fox, and no other attorneys for any other interest holder made an appearance or filed or presented an objection to Respondent's Amended Motion for Withdrawal and Apportionment of Funds for Parcel 168.

2. Respondent's Amended Motion for Withdrawal and Apportionment of Funds for Parcel 168 is GRANTED.

3. Pursuant to the Final Judgment in this matter, CFX shall deposit into the Registry of the Court the sum of ONE HUNDRED THIRTY-NINE THOUSAND, EIGHT HUNDRED SEVENTY AND NO/100 DOLLARS (S139,870.00), this sum being the difference between the Petitioner's initial deposit of \$190,300.00 and the final award of \$330,000.00, plus a \$170.00 clerk's fee.

4. All of the funds to be deposited in the Court Registry as to Parcel 168, except for the \$170.00 clcrk's fee, shall be disbursed solely to Respondent, Phillip M. Simmons.

5. Once CFX has deposited the funds with the Court Registry as outlined in the Final Judgment, the Clerk of the Court is directed to pay forthwith and without further order of this Court, as follows:

To Respondent, PHILLIP M. SIMMONS, owner of Parcel 168, the sum of ONE HUNDRED THIRTY-NINE THOUSAND, SEVEN HUNDRED AND NO/100 DOLLARS (\$139,700.00), and made payable to PHILLIP M. SIMMONS c/o Thomas P. Callan, Esq., Callan Law Firm, P.A., 921 Bradshaw Terrace, Orlando, Florida 32806.

DONE AND ORDERED in Chambers in Orlando. Orange County, Florida, this  $\frac{1}{1}$  day of  $\frac{1}{12}$ , 2017.

Circuit Judge HONORABLE CHRISTI L. UNDERWOOD CIRCUIT COURT JUDGE

#### CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this  $\_$  day of <u>FCb</u>. 2017, a true and correct copy of the foregoing has been sent to the U.S. Mail and/or electronic mail on the parties listed on Schedule A attached hereto.

2000 Judicial Assistant Attorncy

#### **SCHEDULE A**

David A. Shontz, Esq. Suzanne Driscoll, Esq. Shutts & Bowen, LLP 300 South Orange Avenue Suite 1000 Orlando, FL 32801 <u>dshontz@shutts.com; hmorlan@shutts.com;</u> <u>tmartin@shutts.com; mfarmer@shutts.com</u> *Attorneys for Petitioner, Central Florida Expressway Authority* 

Thomas P. Callan, Esq. Callan Law Firm, P.A. 921 Bradshaw Terrace Orlando, FL 32806 tcallan@callanlaw.com; adm@callanlaw.com Attorneys for Respondent, Phillip M. Simmons

J. Christy Wilson, III, Esq. Wilson & Garber, P.A. 437 N. Magnolia Ave Orlando, FL 32801 jcwilson@wilsongarber.com; kgarber@wilsongarber.com; dsmith@wilsongarber.com Attorneys for Respondents, Jack V. Cravey, Joyce A. Cravey, James V. Cravey, Ellis L. Hall, C'Sandra K. Hall, Jane A. Harper, Thomas J. Harper, Michael Shulman

Project Orlando, LLC, a Florida Limited Liability Company James R. Palmer, Registered Agent 1900 Summit Tower Blvd., Suite 600 Orlando, FL 32810 Nicholas A. Shannin, Esq. Orange County Clerk of Court 425 N. Orange Avenue, Suite 2110 Orlando, FL 32802-4994 Debbie.fafalios@myorangeclerk.com; ADM-ContactAdminDiv@myorangeclerk.com Attorneys for Respondent, Orange County Clerk of Courts

William Spivey, II, Esq. Courtney M. Keller, Esq. Greenberg Traurig, P.A. 450 South Orange Ave, Suite 650 Orlando, FL 32801 spiveyw@gtlaw.com; kellerc@gtlaw.com; turners@gtlaw.com; FLService@gtlaw.com Attorneys for Respondent, The Patriot Group, LLC

Raymer F. Maguire, III, Esq. Harold A. Lassman, Esq. Maguire & Lassman, P.A. 605 East Robinson Street, Suite 140 Orlando, FL 32801-2041 Raymer@Maguire-EminentDomain.com; Lassman@Maguire-EminentDomain.com; teri@maguire-eminentdomain.com Attorneys for Respondents, Dennis R. Klepzig, JoAnn Klepzig, Ellen Christine Potts, n/k/a Ellen Christine Klepzig Potts, James Roger Klepzig, Jill Lynette Klepzig, n/k/a Jill Lynette Klepzig-Fox



January 31, 2017

Mr. Harold Lassman Attorney at Law Maguire Lassman, P.A. 605 E. Robinson Street, Suite 140 Orlando, FL 32801

RE:	Project :	Wekiva Parkway
	County:	Orange
	Parcel :	168
	Owner :	Klepzig (Easement)

#### **INVOICE**

Inspection of easement property and surrounding neighborhood. Research for and analysis of data. Research for sales data and analysis of any damages due to the acquisition. Consultation with owner's attorney regarding the ROW acquisition and associated easement. Preparation of appraisal report, preparation for deposition, and attendance at deposition.

Pendergast:	6.25 Hrs @ \$180.00/Hr =	\$1,125
Total Invoice Amount		\$1,125

Thank you,

Any on Penleyout

Gary M. Pendergast, MAI, President

920 Delaney Avenue + Orlando, Florida 32806 - Phone (407) 841-0054 - Fax (407) 422-8180

#### EXHIBIT C

#### SUMMARY OF SERVICES (GARY M. PENDERGAST)

Parcel : 168 Project: Wekiva Parkway Owner: Klepzig (Easement)

Date	Procedure	<u>Time</u>
06/18/14	Research concerning access casements. Review easement documents, maps and aerials. Analysis of data.	.75
08/05/14	Review ROW plans and easement data. Consultation with owner's attorney regarding easements, documents, and other data.	.75
09/15/14	Consultation with property owner regarding eacments.	.25
10/06/14	Research and review sales data for easement valuation.	.75
10/08/14	Research and review comparable sales data for easement valuation.	.75
10/23/14	Research regarding encumbrances, current easement usage, and valuation issues.	.50
10/24/14	Analysis of property underlying the easement and highest and hest use issues.	.50
10/24/14	Comparable sales research and analysis. Verification of data.	.25
10/27/14	Easement inspection research and analysis including aerial and road view, and by maps. Review documents provided by owner's attorney. Review taking descriptions, ROW data, flood and soil maps. Analysis of data.	.50
10/28/14	Review taking descriptions, ROW data, flood and soil maps. Analysis of data. Analysis of data for easement valuation analysis.	.50
04/06/15	Preparation for deposition regarding casement valuation.	.50
04/07/15	Analysis of data and provide testimony at deposition for easement valuation.	<u>.25</u>
	Total	6.25

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TIME TRACKING LOG MAGUIRE LASSMAN, P.A.

#### <u>Attorney: Harold A. Lassman</u>

September 26, 2014

Clients 2014	Lask a start user	
Klepzig	Attaching Photographs	0.6
Partin	13 frm Sjones about survey & esmt Doc.	0.4
Showtime	13 frm Tim Dix - "Understood"	0.2
Partin, etc.	11 email to Partin, Wkly, & Hyt to allow surveys	1.2
CWC	13 re closing	0.3
Klepzig	11 to Sam aabout Ojmt	0.3
Partin	07 Steve Jones surveys	0.6
Klepzig	02 Offer of Judgment	0.5
CWC	13 ques frm cj re Sat.	0.5
CWC	07 Tel search for an agent to answer ques/found	0.8
West	Adding up Time	2.6
All	Total	_8
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#### TIME TRACKING LOG

MAGUIRE LASSMAN, P.A.

#### Attorney: Harold A. Lassman

December 4, 2014

	Task a start way at	ea™a,Hours
Trade Web	05Invoice	2
Brennan	070mar Christian wants a counter offer	0.2
Douglas	07w/Breitenstein abt results & 10% discount	0.3
Klepzig easements	11to Sam to rmd to see if Med of 186 & 188 incl esmts	0.3
Douglas	04w/Sam re schd of Gmorris mtg abt driveway	0.2
Douglas	05prep for Dr. permitting efforts	4
All	Total	7
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#### TIME TRACKING LOG

MAGUIRE LASSMAN, P.A.

#### Attorney: Harold A. Lassman

December 11, 2014

Client a Client and Addition	Task Carlson (	Hours
Rector	07 Charles Johnson	0.3
Rector	05 Charles Johnson tel call, Rector offer	0.2
Klepzig Easements	07 req for cert of med authority	0.3
rector	05 copy, sign & return email req	0.3
Partin, etc.	13 resp to Urban ?	0.2
Trade Web	11 Resp. about Breitenstein's invoice	0.3
Rector	05 Service of Process Documents	0.3
Trade Web	13 Tim Dix acceptance of my last offer on fees & costs	0.2
Harris Trust	11to Roz Harris abt. Pendergast damages.	0.5
Harris Trust	11iocate, study, and fwd to Roz, Pendergast on shed	0.5
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#### TIME TRACKING LOG MAGUIRE LASSMAN, P.A.

#### Attorney: Harold A. Lassman

December 12, 2014

Task Angeler in Angeler	Herei Hoursi -
13em & tc frm Moreno, retd call left msg	0.3
07w/Moreno re docs needed	0.3
11to Sam/Chuck re Drafting ANS	0.3
07 Urban abt Presenting Offere	0.3
11to Urban abt scheduling pres of Offer	0.3
11Sam: NOT Ans in em dom, in foreclosure	0.3
11 forward ct docs for Sam to assoc.	0.2
11to Stewar re Copy of Ans & CC, if CC	0.3
11toChuckccRaymer abt BD potential for sign loss	0.3
11Sam abt mediation of 2 esmt parcels 188 & 186	0.3
11to Trey has Partridge Pea Farms signed ret	0.2
11to Chuck Johnson abt BD potential	0.3
13frm Dix fwd to T Luke & GMorris	0.3
12Moreno, got needed info & following up	0.3
11 further BD inquiiry of Chuck	0.3
13frm Dix fwd to T Luke & GMorris	0.3
13 fme Stewar, Ans & info fwd to RFM	0.3
11 conf date of offer Pres. & attendance options	0.3
11 Pendergast for invoice & advice	0.3
O6rev. Pendergast Appraisal	1.2
06 rev Arline/Fulford Appraisal	1.3
Total	8
	13em & tc frm Moreno, retd call left msg07w/Moreno re docs needed11to Sam/Chuck re Drafting ANS07 Urban abt Presenting Offere11to Urban abt scheduling pres of Offer11sam: NOT Ans in em dom, in foreclosure11 forward ct docs for Sam to assoc.11to Stewar re Copy of Ans & CC, if CC11toChuckccRaymer abt BD potential for sign loss11sam abt mediation of 2 esmt parcels 188 & 18611to Trey has Partridge Pea Farms signed ret11to Chuck Johnson abt BD potential13frm Dix fwd to T Luke & GMorris12Moreno, got needed info & following up11 further BD inquilry of Chuck13frm Dix fwd to T Luke & GMorris13frm Dix fwd to T Luke & GMorris11form Dix fwd to T Luke & GMorris11form Dix fwd to T Luke & GMorris12Moreno, got needed info & following up11 further BD inquilry of Chuck13frm Dix fwd to T Luke & GMorris13frm Dix fwd to T Luke & GMorris13fre Stewar, Ans & info fwd to RFM11 conf date of offer Pres. & attendance options11 Pendergast for invoice & advice06 rev Arline/Fulford Appraisal06 rev Arline/Fulford Appraisal

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TIME TRACKING LOG MAGUIRE LASSMAN, P.A.

#### Attorney: Harold A. Lassman

December 22, 2014

Glent (	Task	A. Hoùrs
Harris Trust	AGR Mediation Agreement to Teri	0.2
Fairwinds 113	12frm Mahler, accepts my offer to extend deadline	0.2
Douglas	13frm Glena, MEI contract for drive & cure eng. Read	0.5
Douglas	11to Rob Dawson prop MEI contract inst & comments	0.3
Horne	13rsp to Greg Horne ? About Kent Hipp testimony	1
Klepzig188	06&sign cert of auth mediation	0.2
Klepzig186	06&sign cert of auth mediation	0.2
Klepzig188	04 w/trey abt service	0.2
Klepzig 186	04w/Trey abt service	0.2
Centura	11frm Glena eng. Exhibits	0.3
Fairwinds113	11toRaymer abt settlement suggestionsa	0.5
Centura	06 Appraisal	3.2
Centura	11to Raymer about Appraiser selection	0.2
Centura	11 inst to Trey to send repts to Babcock	0.2
Centura	04conf w/Raymer abt using Babcock	0.2
All	Total	7.6

## Ministration - proprietation - statements -

TIME TRACKING LOG MAGUIRE LASSMAN, P.A.

#### Attorney: Harold A. Lassman

December 24, 2014

	Task (Task	்Hours
Rector	13toMinkoff - Thanks for extension	0.2
Rector	13to Michelle - Thanks for copy of Petition	0.2
Klepzig	13 exhibits - need to list easement docs	0.2
Rector	05edit answer/add affirmative defenses	1
Palm Bay Greens	06rev new file/maps/photos & online	1
Kirkland foreclosure	06rev demand letter refund of over pmt	0.2
Potter	06new case review	0.3
Foster	06 case review	0.3
Thermo Cool	13resp to Mic inq. About BD claim status	0.3
Hyatt, Daryl	05gather drafts for esmt drafting	0.3
All	Total	4
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TIME TRACKING LOG MAGUIRE LASSMAN, P.A.

#### Attorney: Harold A. Lassman

December 29, 2014

States Clent	Tasky	Hours (1)
Thermo Cool	06 Appraisal's in file/Appraisers	1.1
Thermo Cool	RSH business damage claimant's notice rel fee offer	1
Thermo Cool	11 to Minkoff req. offer appraisal	0.5
Thermo Cool	11 em resp to ? About appraiser selected	0.3
Rector	06fnl rev of Answer, etc.	0.6
Klepzig Easements	05 pre-Trial disclosure	0.5
Ralph Smith	07 tel conf Raymer & Ralph /Smith	0.3
All	Total	4.3
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TIME TRACKING LOG MAGUIRE LASSMAN, P.A.

#### Attorney: Harold A. Lassman

November 3, 2014

Client: Advantage	Task 🤇 🕹 🕹 🗤	Hours Hours
Douglas	11directions to Sam to resend Glena rpt to tLuke	0.2
Partin, Weekley & Hyatt	07Bruce Hariss re survey & resp to Alt routes	0.3
Douglas	11pls fwd Glena rpt	0.2
Partin, Weekley & Hyatt	13sJones response to alt route survey email	0.3
Partin, Weekley & Hyatt	07Tel sJones re alt route email frm STT	0.3
Klepzig easement	11Sam xchg of Penderrgast easement report	0.2
Partin, Weekley & Hyatt	06 Harris email rtes reviewed for email to clients	0.3
Partin, Weekley & Hyatt	Reminder note to email clients for feed back	0.2
Ail	Total	2
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MAGUIRE LASSMAN, P.A.

#### Attorney: Harold A. Lassman

November 7, 2014

Task View View View View View View View View	Hours
C6Klepzig Mo. To Apportion	0.6
11 about apport of esmt proceeds	0.3
13 forward req for documents frm Gerson/Moreno	0.3
13 to Diane about sch apport hrg	0.3
07 Tel Conf re materials sent	0.3
13 rec. Ltec Report & Rev.	0.5
11 forward Ltec rpt to all xprts w/comments	0.4
11 req. daily truck breakdown	0.2
11 copy truck breakdown req to David	0.2
07w/babcock re rept. Status	0.5
06 rev. & edit. Motion for Apport. & sign	0.5
13 ans. Progress ? Notice Trial	0.3
06 meeting scheduling	0.2
07w/Glena	0.3
11 pot hole email to Babcock	0.2
07 w/Breitenstein	0.3
Total	5.4
	C6Klepzig Mo. To Apportion11 about apport of esmt proceeds13 forward req for documents frm Gerson/Moreno13 to Diane about sch apport hrg07 Tel Conf re materials sent13 rec. Ltec Report & Rev.11 forward Ltec rpt to all xprts w/comments11 req. daily truck breakdown11 copy truck breakdown req to David07w/babcock re rept. Status06 rev. & edit. Motion for Apport. & sign13 ans. Progress ? Notice Trial06 meeting scheduling07w/Glena11 pot hole email to Babcock07 w/Breitenstein

MAGUIRE LASSMAN, P.A.

#### Attorney: Harold A. Lassman

November 17, 2014

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Clentary in the state	Task.	Hours :
Klepzig Easement	07 ret JCWilson call leave message	0.2
Douglas	13reXibits to Trey	0.3
Douglas	13reXibits to Glena, template on KCG Xbt	0.3
Klepzig Easement	07 call from Diane at JCW office.	0.2
Klepzig Easement	13response re disbursement of the \$900.00	0.3
Kirkland foreclosure	0.6rev Interrrog email	0.2
Klepzig	13 Sam to provide req contact info.	0.3
Thermo Cool	11 send draft em to Moreno dated 11/12	0.2
Douglas	11 responses to Glena abt driveway manual	0.4
Kiepzig	12rev utilities sketch frm client provided Dmorris	0.4
Douglas	13 Glena resp re driveway manual & thanks	0.2
All	Total	3
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MAGUIRE LASSMAN, P.A.

#### Attorney: Harold A. Lassman

November 18, 2014

A State of the Client State of the State of	In St. And And And Tasks	Hours
Horne	02 Letter/req Admis/Interrog/Req Prod/	1.2
Douglas	07 Tim Dix about hours for experts	0.3
Klepzig	13resp to Diane's email about exparte & \$900.00	0.3
Horne	13resp to Greg Horne abt letter to Hipp & discovery	0.3
Horne	13resp to Horne req for copies of letter & discovery.	0.3
Young	RSH for Gruber tel no on line mktg Xpt	0.2
Young	07Call Gersons office for Gruber no.	0.2
young	07 Gerson's office calls back w/Gruber no.	0.2
Young	07 call gruber no. & leave message	0.2
Partin	11 emails re variation on Opt 2 response?	0.4
Young	07w/Maurice Gruber abt. Mkt issue in Young	1
Douglas	07 Babcock msg about need hours for med	0.2
Douglas	07Babcock ret call abt hours med prep wk	0.3
Horne	06read & sign discovery rp interog radmi	0.3
Douglas	11 downtime hours/cap?	0.2
Harris	13client	0.2
		5.8

## Description of the second s Second sec

### TIME TRACKING LOG

MAGUIRE LASSMAN, P.A.

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#### Attorney: Harold A. Lassman

November 25, 2014

Client Client	HI STATES AND TRASK AND STATES	Hours
Klepzig	01exparte P188 aportiontment Order ent	1
Douglas	06 Leftwich parking Study rev & copy to Pes	0.5
Hyatt	07 co-counsel, raymer & Daryl	0.3
fields	07 Jones	0.3
fields	13fwd em address & cell# to Raymer	0.3
Dhyatt	07 Sjones loc of line re DHyAtt	0.2
Dhyatt	06 rev of files line still on Dhyatt prop	0.2
douglas	11follow up re addendum BD	0.3
Dhyatt	11FUrban STT line still on DHYATT?	0.3
Douglas	05prep for med, photo exhibits	3
Douglas	05 prep for med read Leftwich rept	1
Douglas	13recv Breitenstein rpt & forward to Dix	0.4
Klepzig	13req to prod resp	0.3
Horne	13req to prod resp	0.3
Dhyatt	13 FredUrban map of STT on Dhyatt prop& fwd to Darl	0.4
All	Total	8.8

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## TIME TRACKING LOG

MAGUIRE LASSMAN, P.A.

#### Attorney: Harold A. Lassman

October 3, 2014

Client 2015		Hours
Roz Harris	11 send sketch w/center line to Guy minter & RTP	0.3
Roz Harris	04 request for Trey to do RTP for Cross Sections	0.3
Roz Harris	04 review Trey's formal RTP for cross sections	0.3
Douglas	06 trial schedule	0.3
Fairwinds	06 OT schedule 10/9	0.5
Dolbow	06 closing schedule 10/14	0.3
Horne	11 to Kent Hipp "Que Passa?" + tel. Message	0.3
Klepzig	06 Offer of Judgment format	0.3
Foster	06 of case	0.3
Klepzig	04 Ojs edited (5)	1
Showtime	04 read SFJ & sign	0.3
		4.2
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MAGUIRE LASSMAN, P.A.

#### Attorney: Harold A. Lassman

October 7, 2014

Client States	ne de la la la la Fasker de la Rodeberg	Hours
Klepzig	07 Dennis Klepzig easement question	0.3
Hyatt Daryl	07 message in response to email to call him	0.2
Klepzig	13 warranty deed of interestss in remainder	0.4
Collins	07 discussion about retainer	0.3
Dolbow	13 re closing location/deeds	0.4
Hyatt	07survey access	0.3
Partin	07 bruce harris survey access	0.3
Partin	11email to partin re survey access	0.3
Fairwinds 113	13 re stipulated OT	0.3
Young	11 Sam to schedule tel conf	0.3
Klepzig	06 Review of Case Mgmt & Trial Orders	2
Klepzig	04 Inst. To Sam for materials to appraiser	0.3
Klepzig	11 Email to Shontz re Offers of Judgment	0.2
Klepzig	11 to Pendergast re invoice & status	0.3
Klepzig	11 status from Sam	0.2
kirkland	07 re house hunt	0.3
Young	11 Sam schedule of tel conf	0.3
All	Total Dailey Time	6.7

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MAGUIRE LASSMAN, P.A.

#### Attorney: Harold A. Lassman

Client		Hours
Partin	13 Partin re Harris em	0.3
Partin	13 Partin re Harris em & Partin em	0.3
Fairwinds 113	13 SOT & O on Apport.	0.5
Fairwinds 113	13 Responsive emails & Thanks	0.2
Fairwinds 113	13 Responsive emails & Thanks	0.3
Hyatt	13Hyatt not Hodges	0.3
Fairwinds 113	04 abt schedule & stip status	0.3
Young	04 abt tel conf schedule	0.3
Klepzig	04abt appraisals sent	0.3
Thermo Cool	07 txt Breitenstein as BD xprt?	0.2
Showtime	12 SFJ sent to Judge	0.2
Douglas	07 left message	0.2
RozHarrisTrust	11follow up about cross sections	0.2
RozHarrisTrust	13 cross sections (2 ems)	0.4
RozHarrisTrust	11 cross sections to Pendergast	0.4
Klepzig	13 easement info	0.4
Klepzig	11 to Shontz how about an offer	0.4
RozHarrisTrust	13 2ems "we did" & copy of Ans.	0.4
kirkland	06 mtg forcl sumns & compl	0.5
kirkland	06 search mail and forward emails to B&H	0.5
All	Total	6.6

## Description of the second s Oral International Second Seco

## TIME TRACKING LOG

MAGUIRE LASSMAN, P.A.

### <u>Attorney: Harold A. Lassman</u>

October 24, 2014

Clienta - Client	Task A.	Hours
Klepzig esmts.	06 review Pendergast comments on easement appraisal	0.5
Klepzig esmts.	11 resp to Pendergast comments abt esmt value	2
Klepzig Parcel 195/fee	11 email about site visit/meeting	0.5
weekley, Partin & Hyatt	12 reply about easement form	0.2
Collins	11 emailfrom collins re status	0.3
Kirkland	07 tel reminder out by 10/27 & ? Status reloc	0.3
Kirkland	07 Kirkland returned call status of reloc?	0.3
Humason	06 look for any Dreggors retainer or hours - none	0.3
Klepzig	06 review construction plans	0.6
All	Total	5

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#### Attorney: Harold A. Lassman

October 27, 2014

Client	Task and the Task	Hours
Thermo Cool LLC	11MicRaffensberger ref to 10/23 email to Bob Allgeo	0.3
Klepzig easements	12Pendergast emails review 2	0.4
Klepzig easements	Look for what Deeds I have found	0.6
Douglas	04 Chris frm Babcock about Glenna site plan/Luke study	0.3
Douglas	07 Tony Luke about P.E. study	0.3
Douglas	07 tel msg for Glenna about site plan completion	0.3
Klepzig easements	11Pendergast WD attached	0.3
Klepzig easements	11PendergastEsmt attached	0.3
Kirkland	07 follow up call to Kirkland to see if relocated yet	0.2
Klepzig easements	06 review Deeds and Pendergast email comments	0.5
Kirkland	07 status/moving out - reminder about tel cnf wed	0.5
Klepzig easements	13 review and comments on easement documentation	0.5
Klepzig	06 Request for production	0.5
Horne	04Discuss Request for Production	0.3
Klepzig easements	13responded to comments about documents	0.5
Young	13 ? Abt trial reset? Response	0.2
All	Total	6

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MAGUIRE LASSMAN, P.A.

#### Attorney: Harold A. Lassman

October 28, 2014

Client	Task My new Contract	Hours
Douglas	07Randy Ray about mediation & const. access	0.3
Klepzig easements	06Requests for Production& sign	0.3
Horne	06Requests for Production& sign	0.3
douglas	11 Do Reg for prod	0.2
Fairwinds 113	11Do Req for Prod.	0.2
Klepzig easements	11 Pendergast Public Road R/W to P.S.	0.2
kirkland foreclosure	04 respond to Steward's list re foreclosure points	0.4
kirkland foreclosure	04trey re service & proof on Bank	0.2
klepzig	07Tel Conf Sound Expert	0.3
Kirkland	13Shontz abt. Kirkland removal	0.2
Kirkland	07 about his relocation status	0.2
Kirkland	13response to Shontz email	0.3
kirkland	Text about Shontz email	0.2
All	Total	3.3

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TIME TRACKING LOG MAGUIRE LASSMAN, P.A.

Attorney: Harold A. Lassman

5-Jan 2015

	HERE AND A HOURS - CAR
06review calendar, schedule	0.2
06review calendar, schedule	0.2
06rev mo set CMC	0.2
06 rev mo set trial	0.2
11Friday 3p.m. good time for inspection	0.2
04w/Trey about appraisal & aerials	0.3
06 rev appraisal	1.2
07 tel conf about fractional appraisal	1.3
07 tel conf about bldg. house across road from his	0.5
04 get aerial maps from trey	0.2
04 get aerial maps from trey	0.2
11re-email counter offer of appraisal fee to Shawn	0.2
TRV - travel to meeting at client's home	0.8
04 Meeting with clients & Raymer at their home	0.8
TRV -travel to meeting at client's lot	0.8
04 meeting at client's lot	0.8
Total	8.1
	06review calendar, schedule06rev mo set CMC06 rev mo set trial11Friday 3p.m. good time for inspection04w/Trey about appraisal & aerials06 rev appraisal07 tel conf about fractional appraisal07 tel conf about bldg, house across road from his04 get aerial maps from trey04 get aerial maps from trey11re-email counter offer of appraisal fee to ShawnTRV - travel to meeting at client's home04 Meeting with clients & Raymer at their homeTRV -travel to meeting at client's lot04 meeting at client's lot

MAGUIRE LASSMAN, P.A.

#### Attorney: Harold A. Lassman

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6-Jan 2015

Client - Constant - Client	Massim Task and the second	Hours Loss
Harris Trust	email status of wrap up of settlement	0.3
Fairwinds 113	13 response to Mahler email	0.2
Fairwinds 113	11email from Trey re schedule of tel conf	0.2
Kuharske	07 frm Kuharske re: Status & returned call	0.3
Klepzig easements	TRV walk to & from court	1
Klepzig easements	01CMC & mo. To be excused from Mediation	1
Hyatt, Partin, & Weekley	06 Rev. draft pipeline easement	2
Harris Trust	06 review SFJ	0.3
Harris Trust	13 respond to Roz Harris ?	0.3
Harris Trust	13 resp. to Donnita Martin re SFJ	0.3
Harris Trust	11more about apportionmen & SFJ	0.2
Dougias	13Tim Dix resp his email	0.3
Thermo Cool	13Sandy Minkoff resp about fee offer to be made	0.3
Thermo Cool	07 Bob Babcock called about adding fractional Fri.	0.2
Harris Trust	SFJ copy to Pendergast	0.2
Harris Trust	11 to Sam to copy Pendergast Invoice to Donnita	0.3
Hyatt, Partin, & Weekley	06review 3rd ed of Easemant document	0.6
Holder	04w/Raymer re research	0.5
Holder	Research	1.5
Holder	07tel conf Raymer & Trey	1
Ali	Total	11

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## TIME TRACKING LOG

MAGUIRE LASSMAN, P.A.

#### Attorney: Harold A. Lassman

#### 7-Jan 2015

	Taske	Hours Hours
Holder	05 prep for hearing against pet & resolution	1
Holder	01 hrg on pet & resolution	3
Harris Trust	13abt apportionment & fees for Pendergast	0.3
Klepzig	O1hearing noticed to set trial improp notice	0.3
Harris Trust	11em cancelling CMC & e-note to SAM.	0.2
Klepzig easements	11 e-note to SAM reminding about Order excusing	0.2
Klepzig easements	O5trans Itr for Order excusing frm mediation	0.3
Klepzig easements	11 email & tel message to Dennis Klepzig/excused	0.3
Harris Trust	07tel msg to G. Pendergast, returning your call	0.2
Harris Trust	07 w/Pendergast re fee nego.	0.3
Harris Trust	11 em to Minter & Hubbuck cc Martin	0.3
Klepzig easements	13 reply to mediator, "excused"	0.2
Centura	13resp to Ed Chew & req of Gereson & Moreno?	0.3
Ali	Total	6.9

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MAGUIRE LASSMAN, P.A.

#### Attorney: Harold A. Lassman

19-Jan 2015

Client	New York Contraction of Tracking and the second	Hours
Holder Strite	07 breitenstein, out of office	0.2
Holder Strite	11 breitenstein w/tel conf info	0.2
Holder Strite	07 tel conf	0.8
Holder Strite	04 w/Raymer about inverse & Wekiva Statute	0.2
Holder Strite	04w/trey about em of sample reports	0.2
Holder Strite	13em w/BDNotice attached - ? About missing dates	0.2
Holder Strite	11ems from Trey & Jerry about fix of dates	0.2
Thermo Cool BD	11from Jorge about BD Claim status	0.3
Thermo Cool BD	06correspondence about claim period	0.2
Thermo Cool BD	11toSandy Minkoff thanks for renoticing claim period	0.3
Thermo Cool BD	11em to BD people & Sissy about renotice of BD & etc	0.3
Brannen Southeast Connector Pipeline	11frm Omar abt first offer and data books	0.2
Brannen Southeast Connector Pipeline	06rev Data Books	0.3
Brannen Southeast Connector Pipeline	11 fwd data book & data sheet to Brannen & Gary P.	0.3
Harris Trust	06rev& edit apportionment note to Bank lady	0.3
Klepzig easements	05follow up about transcript re excuse from media.	0.3
Klepzig easements	05 more follow up	0.2
Harris Trust	06rev apportionment note to Lisa Robinson	0.2
Rest Lawn	07 tel. message for Lee Richardson re Velie Letter	0.2
Rest Lawn	11to Sam to follow up to schedule a meeting	0.3
Shiekh	06files	0.7
All	Total	6.1

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TIME TRACKING LOG MAGUIRE LASSMAN, P.A.

#### Attorney: Harold A. Lassman

21-Jan 2015

bethan shele she Gliento a she	CIP Task	Hours
Weekley	11?abt route being surveyed next week	0.2
Weekley	11pass ? On to Fred Urban abt route being surveued	0.2
Rest Lawn	07tel message abt ans to Velie ?s	0.2
Klepzig easements	02 Motion for Reconsideration of Denial of Excusal	1.5
Kirkland foreclosure	Obrev Stewar review of time submited in foreclosure	0.3
Kirkland foreclosure	11resp to Stewar time questions	0.3
Rest Lawn	07w/Lee Richardson about Velie questions/answers	0.3
Brannen pipeline	11data to Brennan & Pendergast	0.3
Rector	11 to Chas. Johnson abt. Rector tel conf.	0.2
Rector	07tel conf w rector & Chas. Johnson	0.3
Brannen pipeline	11 to Pendergast abt tax info.	0.3
Brannen pipeline	11ems to Trey about failed Brannen & Pendergast em	0.2
Rest Lawn	11frm Velie about receipt of my em abt his questions	0.2
Brannen pipeline	11Trey abt failed em/forwarding data book	0.3
Kirkland foreclosure	11 confirmation from Stewar	0.2
All	Total	5

MAGUIRE LASSMAN, P.A.

#### Attorney: Harold A. Lassman

## 4-Mar 2015

Client	Estimate in English Trask of the South State	Hours
Holder Strite	13frm Jerry, correction of acreage/response	0.4
Holder Strite	11 w/"pasted graphic"	0.2
Douglas	11 Thanks from Glena for ref to Babcock uses & areas	0.2
Rector	07w/Minkoff & assts. & he will edit Stip. OT	0.4
Holder Strite	11frm Jerry H showing Avery lease	0.3
Holder Strite	11 to Tom Durkee showing Avery Lease	0.3
Douglas	13 to & frm Glena re cross access comment of Altamnt	0.6
Rest lawn	11 survey copies received	0.3
Rest lawn	07 tel msgs & calls to get surveyor info	0.6
Klepzig esmts	13 to & frm Diane at Wilson's office	0.3
Holder Strite	11 drft hay costs doc	0.3
Klepzig esmts	04 review CMC orders w/Sam	0.3
Douglas	11 frm Glena reviewed re land uses	0.3
Rector	11rcpt of 3rd Draft of SOT frm County	0.2
Rest lawn	11 survey copies forwarded to Velie	0.3
All	Total	5
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Attorney: Harold A. Lassman

## 6-Mar 2015

Client	and a star transfer to a star star	Esizh (Hôurs ≥ 15)
Rector	11 to Chuck & Charlie abt possible value as a unit	0.3
Holder Strite	06 rev. Cholder Slide Show	0.3
Holder Strite	11 em to Jerry Holder abt slide show	0.3
Holder Strite	11 ques if tel cable fixed yet	0.2
Holder Strite	06Review of other Jerry photos & exhibits	0.6
Douglas	07w/Babcock re bldg uses	0.3
Douglas	11 em to Glena abt Babcock info.	0.3
Holder Strite	11 resp frm Jerry re severed tel cable status	0.2
Holder Strite	11 Jerry ? Abt attendance at mtg w/Duke re elec. App.	0.2
Holder Strite	13 Jerry response & my reply re reloction	0.3
Holder Strite	11 frm Tom Durkee re status of bus. Dmg	0.3
Rector	07w/Rector abt sewer & water connection numbers	0.3
Rector	11 em to Sam with outline of Mo for Extnd Possesion	0.4
Douglas	07 Tel conf with Randy Ray	0.3
Klepzig	05 editing P.186 motion for apportionment	0.4
Klepzig	05 editing P.188 motion for apportionment	0.4
Douglas	13em frm Dawson & response	0.3
All	Totai	5.4

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TIME TRACKING LOG

MAGUIRE LASSMAN, P.A.

#### Attorney: Harold A. Lassman

11-Mar 2015

Clent	Taske sing a second	Hours: P
Rector	11 abt sewer connection Impact Fee	0.3
Rector	11 abt sewer connection Impact Fee	0.3
Rigsby	13 resp to Raymer em abt Ans, Stip OT & CMOrder	0.6
Rector	07 tel call abt Stip OT	0.2
Klepzig	05 apport	0.3
Douglas	11to Teri & Trey abt rsch for prior taking	0.3
Kuharske	13resp to Sjones - K is a client	0.2
Douglas	04 w/Trey about earlier taking	0.3
Rector	06 rev & sign Stip OT	0.3
Rector	06 rev & sign Stip FJ	0.3
Rector	04 Give signed copies Stip OT & FJ to Trey to Scan&em	0.2
Klepzig	05 rev scheduling of Apport hearing	0.2
Rector	04 Trey abt Paragraph # error	0.2
Douglas	11 to Glena recommending a walk through re warehs	0.3
Klepzig	04 w/Sam to locate Apport Motion for hearing	0.3
Klepzig	OGrev/Apportionment Claims of Klepzig Ps 188&186	0.3
Klepzig	11 to Diane Smith thanks/still coming	0.2
Rector	11w/trans letter to Judge & Quentin no objection	0.2
Klepzig	06 review of Parcel No. 186 mo for apport, etc	1
Douglas	11Glena - about cross access to the North	0.3
All	Total	6.3

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MAGUIRE LASSMAN, P.A.

#### Attorney: Harold A. Lassman

12-Mar 2015

	TASK OF A STATE	Hours -
Klepzig easement	01 Hearing	1.3
klepzig easement	11 frm Diane sch of Pendergast Depo	0.3
klepzig easement	11to Diane sch of Pendergast Depo	0.3
klepzig easement	11 frm Diane sch of Pendergast Depo	0.3
Douglas	11 Glena re site visit & cross access	0.3
Hyatt	11 frm Hanratty re easement draft	0.3
Douglas	11 Glena re Randy Ray site plan	0.3
Douglas	11 to Glena re cross access language	0.3
Douglas	11 to Glena re Ray Plan good idea	0.3
Douglas	11 to Glena re cancel site visit wait on Ray	0.3
Klepzig easement	11 to Sam re two more esmt set for trial	0.3
Klepzig easement	11 frm Sam case nos. correct	0.3
Klepzig easement	11 frm Sam re motions on P168 & 185	0.3
Rest Lawn	07 Velie re survey, build out, multi fam	0.3
Douglas	11 yes cancel site visit wait on Ray Plan	0.3
Hyatt	07 frm Hanratty re easement draft	0.3
Holder Strite	06 rev Holder Streit lease	0.5
Ballings	04 discuss filing & lit with Smith w/Raymer	0.3
Douglas	11 to Randy Ray & Rob Dawson abt plan	0.6
All	Total	7.2

MAGUIRE LASSMAN, P.A.

#### Attorney: Harold A. Lassman

#### 26-Mar 2015

Client + + + + +	A STANDARY TRASK UNDER STAND	Hours : 😒
Holder-Strite	04 w/Trey abt delivery of BD reports & docs	0.3
Holder-Strite	06 rev Tom Durkee report Parcel 275	0.6
Hyatt, Theima	07 Tel Conf with Daryl Hyatt & Raymer abt offer	0.2
Hyatt, Thelma	07 follow up w/Daryl Hyatt give offer numbers	0.2
Hyatt, Thelma	04 w/Matt & Trey abt to do on Hyatt 7 etc.	0.3
Holder-Strite	RSH double check date of value	0.2
Holder-Strite	11to Tom Durkee confirming correct date of value	0.2
Holder-Strite	06 rev Tom Durkee report Parcel 279	0.4
Holder-Strite	06 rev Tom Durkee combined report Parcels 275 & 279	0.4
Holder-Strite	06 receipt of hard copy support doc. Package	0.2
Holder-Strite	11 Durkee response to ems abt draft reports	0.2
Centura	11 received copy of Trey's em to Babcock w/docs	0.2
Holder-Strite	06 rev of accompanying docs for BD rept.	0.8
Holder-Strite	06 rev of MEI report on Holder prop	0.6
Klepzig esmts	11 Copy of Depo Notice to Pendergast	0.2
Klepzig esmts	11 em to Shontz req. copy of CFX appraisal	0.2
Klepzig esmts	11 em to JCW req. copy of his P186/188 appraisals	0.2
Harris	11 resp to status ?	0.2
Harris	11 em to Trey to set a hearing on motion to disbrs	0.2
All	Total	5.8

### Attorney: Harold A. Lassman

## 27-Mar Z015

or a desired by Client and Charles of the	Task, Park	Hours Hours
Klepzig Easements	11 frm Pendergast re need for CFX Appraisals	0.2
Klepzig Easements	04 conf with Trey to do em to Pdxtr follow up Shontz	0.2
Klepzig Easements	11 esmt frm Trey to Poindexter	0.2
Thermo Cool LLC	13 frm Mic & em response	0.2
HyattThelma	11 frm Harris baseline Esmt & AGRMT Docs proposed	0.3
HyattTheima	11 Copy Docs to Steve Jones & Joe Hanratty	0.2
HyattThelma	11 Hanratty comments back	0.2
Kirkland	04 Raymer req. priority re Kirkland refund motion	0.2
Kirkland	11 Documents from Raymer re Kirkland fees	0.3
Therma Cool LLC	07 Tel conf. with Mic reviewing Babcock appraisal	0.7
Thermo Cool LLC	07 Tel conf. with Mic reviewing KCG report	0.3
Holder - Strite	06 Final Review Reports & Support Papers	1
All	Total	4
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MAGUIRE LASSMAN, P.A.

#### Attorney: Harold A. Lassman

Z-Dec		
Client Hose	Task	Hours
Holder	06 rev Jim Hall report about blight	2
Holder	06 draft discovery requests re blight	1
Thermo Cool	05 prep for call to Bob Allgeo re exhibits for hearing	0.5
Thermo Cool	11em to Bob Allgeo re documents for Hrg tomorrow	0.3
Klepzig, P.185	11 rec. Letter about mediation & send em to Sam	0.3
Holder & Strite	07 frm Haylee O'Dowd abt costs & atty fees	0.2
Coastal Plant Brokers	11 Notice of Status Conf/Trial Scheduling	0.3
Holder & Strite	11fwd O'Dowd fee offer to Durkee	0.3
Holder & Strite	11frm O'Dowd & ret & tel Durkee - do set with fees ltr	0.3
Rigsby	04 located Parzych report on noise for Ted & reviewed	0.6
Partin	07w/Celeste Adorno about counter offers received	0.3
Holder & Strite	11 tom Durkee approval of fee counter offer	0.2
Holder & Strite	11 email to haylee tom Accepted & tel follow up	0.3
Carter	11frm Dan Morris hasn't heard from Glen since site pl	0.2
Holder & Strite	07 Board mtg to consider offer canceled to be reset	0.2
Holder & Strite	11 to Durkee about bd mtg to be rescheduled	0.2
Thermo Cool	07 Campbell McLean will not be at hearing	0.2
Thermo Cool	04 to Sam to copy my pleadings & exhibits for hearing	0.2
Thermo Cool	07 Bob allgeo about hearing	0.3
Holder	06 rev Jim Hall report for info abt blight for disc prep	1
		***
		······································
	Total Time	8.9
	iotai ime	0.9

#### Attorney: Harold A. Lassman

Client	Taski	Hours
Thermo Cool	04 Consultation with Raymer about what next	0.3
Douglas	12to & from Glena re permitting status	0.3
Douglas	11email to Tina Demmostene re: "unavailable"	0.3
Klepzig esmt.	11 to JCW re settlement of easement P185	0.3
Sookrah	12 from & to Pendergast re no break down of ctr ofr	0.3
Thermo Cool	05Motion for reconsideration	1.6
Klepzig esmt.	04with Sam & Ted re mediation scheduled Friday	0.6
Klepzig esmt.	07 about mediation Monday	0.2
Klepzig esmt.	11 to Calloway re mediation of esmt P185	0.3
Partin	12Celeste esmt & side docs to Steve	0.3
Thermo Cool	RSH Notices, OT language for surrender of possession	1
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	Total Time	5.5

#### Attorney: Harold A. Lassman

Client.	Task a start the second se	Hours!
Stafford	07 tel conf re Murphy Act esmt	0.3
Stafford	RSH looking at surveys & deed	0.3
Stafford	04 w/Trey about res	0.2
Stafford	04 w/raymer abt res.	0.2
Stafford	11 Public information request/docs re status of 466A	0.3
Klepzig	11 about Klepzig file copying	0.2
Klepzig	11 Trey to me about status of copy of PendergastFile	0.2
Klepzig	07 several attempted calls re esmt parcels	0.4
Klepzig	11 em abt attmptd tel calls & esmt offer	0.6
Holder	11em abt April 21-23, 2015, contractor access	0.2
Sheikh	11 receipt of Motion to Dismiss	0.2
Sheikh	06 rev of Motion to Dismiss	0.6
Thermo Cool	11resp to Glena to do a business damage eng. Rept.	0.3
Sheikh	11 frm/Hopkins that she is now Sutphen	0.2
Stafford	11to Frederick.Loosefor public information re 466A	0.3
Klepzig esmts	06 review Req to Prod done by Sam & edit	0.6
Sheikh	05 copy Motion to Dismiss for use in research	0.2
All	Save	5.3

MAGUIRE LASSMAN, P.A.

#### Attorney: Harold A. Lassman

Cliente - Area	Task starts strategies	ale de l'Hours de la
Klepzig esmt.	06 edit P185 Request to Produce	0.3
Klepzig esmt.	06 edit P186 & 188 Request to Produce	0.3
Sheikh	RSH for Memorandum of Law on Motion to Dismiss	3
Klepzig esmt.	07 to JCW, out til Monday left msg.	0.2
Klepzig esmt.	11 to JCW responding to his offer	0.2
Klepzig esmt.	11 to Sam abt ruling on OT issue & Offer Jdgmt	0.3
POTTER	07 call frm Hilliard abt Tortoise Survey	0.3
POTTER	11 to Linda Potter about tortoise survey schedule	0.3
Stafford	11 to Gigi Jones at FDOT Public Records Office	0.5
Klepzig esmt.	06 skim & sign req to produce (2)	0.3
All	Total	5.7

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TIME TRACKING LOG MAGUIRE LASSMAN, P.A.

### Attorney: Harold A. Lassman

<u> Ölent</u>	Task di	Hours
Stafford	07 called left msg abt apt.	0.2
Stafford	07 received Stafford msg & called back	0.2
Stafford	07 called from office with calendar to sched tomorrow	0.3
Klepzig	11to Trey abt sched. Expt tel conf this week	0.2
Potter	11 Pass along Lpotter's resp to survey access req.	0.3
Partin	11 S. Jones 3 emails re Partin route info not attached	0.6
Klepzig easements	07 JCW telephone call draft Stip FJ of Apportionment	0.2
Klepzig easements	11 Sam abt draft SFJ of apportionment all JCW parcels	0.3
Holder	07 tel conf	0.8
Smith	04 conf w/Raymer	0.3
Smith	07 Conf w/raymer & Hall	0.3
Partin, Hyatt,	11 copy of recorded Sabal Trail Easement	0.3
potter	11 Hilliard response, no problem getting over fence	0.2
Thermo Cool	11 Business Damages Documents FWD to Jorge	0.3
Weekley	11 two emails from Sjones	0.3
Klepzig	07 status tel conf experts	1
Sheikh	RSH & 05	2
Klepzig	11 experts coming out to view property	0.2
	TOTAL	8

#### Attorney: Harold A. Lassman

Client 4. States		Hours
Stafford	04 meet w/client, photogrph prop stakes, travel	2.5
Klepzig Easments	11 to Sam about fee status of Parcels 168 & 169	0.2
Thermo Cool	11 abt photos to Mic Raf	0.3
Klepzig	11 fwd corrected D Klepzig cell no. to Bert & Dan	0.3
Thermo Cool	11 to Trey about Thermo cool photos & ATO	0.3
Sheikh	05 work on Mem Law resp to Motion to Dismiss	2.5
Douglas	12 resp to Glena & Ray abt office & warehouse ft need	0.3
Klepzig	12 to Pendergast abt cost mo re esmt segmts	0.3
Logan	11 fwd survey access notice	0.2
Logan	11 fwd time sup to survey access notice	0.2
All	Total	7.1

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TIME TRACKING LOG MAGUIRE LASSMAN, P.A.

### Attorney: Harold A. Lassman

Client - A Arts	Task Street	Hours
Sheikh	05 edit Memorandum of Law	1.7
Sheikh	04 work with Trey to put Memo of Law pkg together	0.3
Sheikh	04 work with Trey to put Memo of Law pkg together	0.3
Sheikh	05 Review final package & give to Raymer For his info	0.3
Sheikh	05 Preparation for tel conf tomorrow	0.6
Klepzig Easements	05 Prep of Apport agrmt & Mo for SFJ of Apport	1
Thermo Cool	11 abt further bussiness sale documentation	0.3
Sheikh	05 review forwarding of foreign judgment mat to Shk	0.3
Sheikh	11 send follow up abt foreign jdgmt to Shk	0.3
All	Total	5.1
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### Attorney: Harold A. Lassman

e exelient	Jan Jan Stranger Jask and Stranger at	Hours
Dela Eden	07 Tei call from Jennifer Evans abt status	0.3
Sheikh	06 Editing of Supplemental Authorities comments	1.4
Sheikh	11em to Jimil attaching Supp Auth & reminding of mtg	0.3
Dela Eden	06 Edit Letter to Acting Planner w/info frm deeds	2.6
Dela Eden	04 coordinating with Sam transmittal of letter	0.3
Klepzig Easements	06 rev & edit Apportionment Order Draft	0.3
Dela Eden	04 more coordination of transmittal of draft letter	0.3
All	Total	5.5

MAGUIRE LASSMAN, P.A.

### <u>Attorney: Harold A. Lassman</u>

Client	To service the track of the service	Hours
Klepzig	11frm Gary re fees & a question back	0.3
Thermo Cool	11frmCampbell McLean abt Stoner proposed Order	0.2
Holder	06 review Holder Inerrog for Carpenter	0.3
Thermo Cool	07 call from Judge's JA about dates for reconsideratn	0.3
Thermo Cool	11 email to Clients, hold on to reconsideration dates	0.3
Klepzig Esmt.	11 email to Calloway abt mediation	0.3
Holder	07 Tel Conf about electronic exhibit	0.4
Thermo Cool	06 Editing Motion for Reconsideration	3
Klepzig Esmt.	07tel conf Sid Calloway re set w/CFX	0.3
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		, ,
	Total Time	5.4

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#### Attorney: Harold A. Lassman

	Martin Andrew & Trask and a supply of	Hours as a
Klepzig esmt	06rev & total hours	1
Klepzig esmt	11em about set to Calloway	0.3
Bourg	12 maps received & fwd to Pendergast	0.3
Bourg	06 review Maps - not maps plans/cross sections	0.3
Bourg	11not Maps - plans & cross sections	0.2
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	Total Time	2.1
		2.1

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MAGUIRE LASSMAN, P.A.

Attorney: Harold A. Lassman

Clent 4	Taski ve kover	Gal Hours S.
K <del>lepzig esmt</del> s	0 <del>5-totaling hou</del> rs	4-
thermo cool esmts	RSH on possession extending Comence of BD	0.6
thermo Cool esmts	06 editing Motion for Reconsider	2
Young	11em to Mediator describing case	1
Young	07 w/Ace re mediation	_ 0.7
Thermo Cool	06 more editing of mo for reconsideration	1.3
Klepzig esmits	<del>05 totaling h</del> ours	<u>-</u> +
thermo cool	12 letter to judge em response	0.4
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	 	0
L	Total Time	8

MAGUIRE LASSMAN, P.A.

### Attorney: Harold A. Lassman

Client Client	Tiask for the second second	Hours
Kirkland	06 review & edit Motion for refund	1.3
Rigsby	06 review redline of STIP OT	0.6
Rigsby	04 talk to Raymer abt extended possession	0.2
Rigsby	07 tel msg to Steve "no extended possession?"	0.2
Rigsby	07 spoke with Mark confirmed no ext pos	0.3
Rigsby	06 edit, delete ext pos frm Stip OT	0.4
Rigsby	04 W/Sam about Case Mgmt Order - Shontz has it	0.3
Douglas	12 resp to Tim Dix question	0.3
Hyatt	11em frm Trey to Daryl wth Retainer & AttyAuth/heirs	0.2
Smith, Ralph	11 CMC April 8 Kest, HRG RM 17B	0.2
Rigsby	11 OT scheduled April 6 - 1 p.m./Kest - HRG RM 17B	0.2
Klepzig esmts	11 at MLPA Conf Rm, Pendergast Depo	0.2
Klepzig esmts	11 fwd P186 CFX Appraisal	0.2
Klepzig esmts	11 fwd P188 CFX Appraisal	0.2
Klepzig esmts	04 w/Sam abt nos of esmt Parcels	0.2
Klepzig esmts	11 em that need CFX Apprsis for Parcels 185,168,169	0.3
Sheikh	11fromSherry Hopkins letter, etc. to col Fed Ct Costs	0.2
Sheikh	RSH FL Stat. Sec. 55.505	0.5
Klepzig esmts	11resend CFX Appr. P186	0.2
Klepzig esmts	11resend CFX Appr. P188	0.2
Kirkland	Ofrevw motion to refund over pmt.	0.3
Kirkland	04 conf w/Sam abt Bank's Service Address	0.2
Kirkland	04 conf w/Sam abt svc of courtesy cpy on forc. Atty.	0.2
Klepzig esmts	11 Pendergast, em issue fixer xed but send 188 again	0.2
all	total	7.4

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MAGUIRE LASSMAN, P.A.

#### Attorney: Harold A. Lassman

6-Apr 2016

		Hours
Rigsby	06 rev Mo to Disburse & Order	0.3
Rigsby	04 as Trey to edit, Mo to Dis, have me sign & file	0.2
Rigsby	06 rev Pet for service list	0.3
Rigsby	07 to Paasch, Esq. re tax certificates	0.3
Rigsby	07 to Ed Chew re notice of future assessment	0.3
Rigsby	04 get edited motion & notice of hearing from Trey	0.3
Smith	04 Review Motion to withdraw w/trey & Notice Hrg	0.3
Smith	04 discuss Notice Hrg w/ Trey & Trust Doc.	0.3
Ballings	06 rev file, no suit yet	0.3
Smith	04 Trey to do Notice of Hearing, Smith MO to WthDrw	0.3
Smith	06 assoc Notice of ftr assesmt	0.3
Rigsby	06 2 ems abt taxes & notice of ftr assesmt frm attys	0.4
KLEPZIG ESMT	11 SENT Parcel No.188 appraisal	0.3
Rigsby	01 OT & Mo to Withdraw	1.2
Rigsby	04 conform Order to Withdraw Funds & give to Sam	0.3
Harris Trust	11 To Trey to follow up if the Clerk got the Order yet	0.3
Rigsby	11 em to confirm trial date availability	0.3
All	Total	6

MAGUIRE LASSMAN, P.A.

Attorney: Harold A. Lassman

7-Apr 2015

Client	Task	Hours 24
Klepzig easement	01 CMC Judge Jordan	1.2
Klepzig easement	05 for Gary Pendergast Deposition	0.6
Klepzig easement	01 Pendergast deposition	1.2
Klepzig easement	04 w/JCW abt klepzig	0.2
Harris Trust	04 w/Trey about distribution to Harris by clerk	0.2
Hodges, Barbara	13 estate question re specific devise	0.6
Thermo Cool	13resp to Jorge Moreno	0.3
Rector	06 disbursal sheet	0.2
Rector	06 date for County Comission review of settlement	0.3
Rigsby	04 w/Sam re CMC entered for June/July 2016 trial	0.2
All	Total	5
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#### TIME TRACKING LOG MAGUIRE LASSMAN, P.A.

#### Attorney: Harold A. Lassman

8-Apr 2016

Client	Task	Hours
Rector	13 Received notice set approvedCC fwd to Raymer etc	0.3
Rigsby	11 Callan ordered OT transcript/we did not ask copy	0.2
Rigsby	11 to David Shontz for CD of plans in evid at OT	0.2
Rigsby	11 to Steve Rigsby abt trial sch & anticipated distrib.	0.3
Smith Trust	11 to Ed Chew re Notice of Future Assessmant	0.3
Smith Trust	7/11 to & frm Ed Chew OK with Smith Disbursement	0.3
Rigsby	11 frm Shontz needs signature on Trial/CMgmt Order	0.2
Rigsby	04 Trey/scan Trial/CMgmt Order Signature scan retn	0.2
Smith Trust	11 to David Shontz for CD of plans in evid at OT	0.2
Smith Trust	04 w/Trey regarding Bank tel msg abt Smith MTDisbrs	0.3
Smith Trust	01 OT & Mo. For Disbursal	2
Smith Trust	04 sign Cert of Service for Service of Order of Distrib.	0.3
Klepzig esmnt	06 go over easement w/Trey for him to check wth Cty	0.3
Thermo Cool	12 frm Jorge Moreno re Info coming frm Allgeo & Thx	0.2
Thermo Cool	11 to Trey: set up tel conf w/Moreno, Gerson & Glena	0.3
Klepzig esmnt	04 working with Trey on mapping esmt connections	0.5
All	Total	6.1

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MAGUIRE LASSMAN, P.A.

4-May Z-015

Client Client	n in the second second the second	Real Alfours & S
Klepzig esmt	01 Apportionment Hrg	1.5
Klepzig esmt	05 edit conformed Apport Orders for service	0.9
Carter, Aran	11 reminde of tel conf abt relocation	0.2
Centura/Yagen	13 Report on env. If testing received & passed on	0.5
Carter, Aran	06 relocation documents	0.5
Carter, Aran	04 w/Trey abt set up of JoinMe with reloc docs	0.3
Carter, Aran	07 join me tel conf Dreggors & Aran Carter	1.2
Hyatt, Kuharske Potter, & Sookrah	11 to Steve Jones re pipeline client's names	0.4
Stafford	11 public records results em	0.3
Stafford	11 to Trey & Matt re FS26681	0.5
Stafford	07 Call from Mrs. Stafford	0.3
Stafford	RSH Old Florida State Route Designations	0.6
All	Total	7.2

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MAGUIRE LASSMAN, P.A.

5-Feb 2015	ing	
Client Client	Task A	Hours & P.
Klepzig	05 preparation for telephone conf re appraisal xchg	1
Klepzig	07 tel conf re reports for exchange	0.6
Klepzig	11 frm Gary re status of Klepzig easements	0.2
Smith Ballings	RSH for contact info, etc re Constantine & Brummer	0.2
Smith Ballings	RSH for contact info, etc re Constan	0.6
Smith Ballings	11 email from Matt re Brummer/Constantine contact	0.3
Smith Ballings	11look at Brummer materials from Matt & contact info	0.6
Smith Ballings	07 call Fred Brummer & sched: Tuesday 1:30p.m. mtg.	0.3
Smith Ballings	04 hav matt calendar mtg w/Brummer &email Raymer	0.3
Klepzig	04 discuss with Matt prep for the Brummer interview	0.3
Smith Ballings	04 txt Raymr abt Brummer mtg & input Brumr contact	0.3
Klepzig	11 scheduling appraisal exchange date	0.3
Smith Ballings	04 discus scheduling interviews w/Raymer	0.3
Eurell	04 meeting about change of counsel	0.6
Smith Ballings	11 frm Harold Morland abt scheduling	0.2
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	Total Time	6.1

0,2



MAGUIRE LASSMAN, P.A.

2015 26-Feb

Klepzig       1 hearing abt easement trial       1         Smith       1 Mediation       3.5         Ballings       1 Mediation       3.5         Klepzig       07 Call from Sam about Klepzig appraisal mkd "draft"       0.3         Image: State		winaskov svetskov sv	Hours - 1
Smith         1 Mediation         3.5           Ballings         1 Mediation         3.5           Ballings         07 Call from Sam about Klepzig appraisal mkd "draft"         0.3           Image: Smith         Image: Smith         Image: Smith           Image: Smith         Image: Smith         Image	Klepzig	1 hearing abt easement trial	1
Ballings         1Mediation         3.5           Klepzig         07 Call from Sam about Klepzig appraisal mkd "draft"         0.3	Smith	1 Mediation	3.5
Klepzig         07 Call from Sam about Klepzig appraisal mkd "draft"         0.3	Ballings	1Mediation	3.5
	Klepzig	07 Call from Sam about Klepzig appraisal mkd "draft"	
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Total Time 83			
Total Time 83	·····		
		Total Time	83

1.3

MAGUIRE LASSMAN, P.A.

3-Mar 2015

5 Mai -		
Client # West was	Task Landstein	Hours Hours
Bourg	07 call from Beverly, she will FAX the documents req.	0.2
Klepzig	12 response to Klepzig scheduling mtg abt appraisal	0.2
Rigsby	04 ted with schedule of Rigsby mtg, pre-mediation	0.2
Rigsby	07 Ted confirming Rigsby Schedule	0.2
Klepzig	11to Ted to resend Appraisals via cloud	0.3
Rigsby	07 to Stephen Rigsby msg abt apt to both phones	0.3
Rigsby	11 to Ted to forward Appraisals & rebutal docs to Rigs	0.3
Bourg	11receive & fwd to Ted docs from R/W Agent	0.3
Rigsby	04 ted received call back frm Mrs Srigsby can't make	0.2
Rigsby	07 to Mark reached Steve, can't make will meet Mark	0.3
Rigsby	04w/Matt conf Join Me mtg 3:30 p.m. Rigsby	0.3
Brannen	11fwd SEC fst appraisal to Pendergast	0.2
Brannen	11& fwd SEC updated by 3.52 X original appraisal + ?	0.3
Вгаппел	07 Call Pendergast & discuss appraisals & questions	0.3
Klepzig Esmts	11 fwd to Calloway edited R/W map, appraisal, etc.	0.3
Rigsby	11rev notices of Join Me for resp to Riggsby Rebuttal	0.3
Klepzig	11rev expanded Blight Docs & Materials/Exhibits Klep	0.3
Rigsby	04 w/matt abt Join Me conference	0.3
Klepzig Esmts	04 w/Sam abt apportionment pmts	0.3
Klepzig Esmts	11to Calloway abt apportionment payments	0.3
Klepzig	04conf w/Mat & RIII about blight & other mapping	0.4
Klepzig	12 frm/to Dennis& Joanne abt mtg 3/10/16 at house	0.3
	Total Tim	e 6.1

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MAGUIRE LASSMAN, P.A.

Attorney: Harold A. Lassman 11-Jan 2. OIF 2017

i cui		
Clients & Horse	Hask 14 Task	Hours
Brannen	06 review email abt prob effect of Brannen sales	0.6
Douglas	11frm Glena about pond cure permitting	0.2
Douglas	12 response about pond cure & getting to final permit	0.3
Brannen	07 frm Brannen, offer the \$41,550.00 plus fees & costs	0.3
Brannen	11to tina turner setting out argument for counter offr	2
Holder & Strite	04 w/Sam to do Certificate of Authority to mediate	0.2
Holder & Strite	07 called Jerry Holder about mediation authorty/msg	0.2
Holder & Strite	07 called Bryan Holder about mediation authorty/msg	0.2
Holder & Strite	07 called Haylee abt CFX set approval left msg	0.2
Brannen	11 to Donald about example sale in Counter offer	0.3
Holder & Strite	07 Bryan Holder returned call abt authority	0.2
klepzig esmts	review note about resolving	0.3
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	Total Tin	

0.3

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MAGUIRE LASSMAN, P.A.

14-Jul 2015

Is Stripp in a Client set of the	les Trask at the remaining a	Hours
Carter, Glenn & Randy	06 more editing of Mo. For Summary Jdgmt	3
Dela Eden	04 w/Raymer abt status	0.1
Klepzig Esmt	11 abt trial scheduling conf P166 esmt.	0.3
Douglas	11frm Tony fwd my ing to Joe Roviaro	0.2
Douglas	11frm joe fwd my ing to Joe Roviaro abt pmt	0.2
Douglas	11 to GlenaLTec submitted update 6/24/16	0.2
Douglas	11 invoice to Sam to forward to Kim	0.2
Rest Lawn	11 petition & contact inquiry	0.7
Thermo Cool	11 about rent tender	0.3
	Total Time	5.2

0,3

Klepzig Easement Parcels Hower Ching is 2:13 first mtg with Klepzig at the property not easement matter Ching is the August 19 1955, working with R/W maps located the Klepy praps located the Klepy easement deeded in 19561 & the public road it 2 And They send copy to approver. 2 collect file copies of surveys 3 Reviewing Easement documents 1.4 Klepsig legel amende show Then ranges in b ergas 03 Conting our Kleysyrg Easen ants 0.2 Lak Johnsh & Changes in Devel 0.5 Simail & Sendergest Jaspe.

Klepzig Sasament anguit 22, 2014to Baner semints in respons Amael sasement a 0.8 مدرمد mis 7/28/14 reapped - del coacol ourt ap ig attent FJ&du right obj ymer; about 3 Conf w/R sig about assort w c on 8(3)14 at contract review MARIANO 0:2 Tel, call Pendergast O. 1 Cond, 1eri 0. 3 Aleren access RIC 0. 2 pond copy access dee 0. 0 CMC Al Lasem 1.0 Review RIW maps skelch 8/7/14 Klepzig ent ner

Klepzig Easement C. 2 speck w Delans / Freprice lebt b) 19/11t Desuret To propries bet b) 19/11t Desuret To propries of prop offort, 6/24/14 0.6 P128 (Bt 0.3 read the cosmont Securptions 6/24/2014 0.3 remark septe het apport 6/24/2014 6/24/2014 6/24/2014 6/24/2014 5/30/14 Same material to 5/30/14 Sam 0,3 <u>renen</u> K 0,2 email K 3/30/14 noterian to 0.2 Col Conf Pendergast 6/26/24 0.3 Look over Kaysyng Striet mo for 6.3 Look over Kaysyng Striet mo for 6.3 Jel Conf Jc w abt epnilo-1.6 hearing re easements tothe 186, 186 7.1.1 en Shortz re sesements tothe 130/14

Kæpping easen en 6 mo, 12 7/3/15 nge 6 lē ,0 im 2.2.2 11 -------

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

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

Petitioner,

v.

DARRELL D. REID and KATIE J. REID, et al.,

Respondents.

CASE NO.: 2014-CA-003698-O

Parcel 168

Subdivision 39

#### SETTLEMENT AGREEMENT

Counsel for Petitioner, CENTRAL FLORIDA EXPRESSWAY AUTHORITY ("CFX"), and Respondents, DENNIS R. KLEPZIG and JOANN KLEPZIG, husband and wife, ELLEN CHRISTINE POTTS n/k/a ELLEN CHRISTINE KLEPZIG POTTS, JAMES ROGER KLEPZIG and JILL LYNETTE KLEPZIG n/k/a JILL LYNETTE KLEPZIG-FOX ("Respondents"), have reached the following negotiated settlement of all Respondents' claims associated with Parcel 168:

1. Respondents, shall have and recover from the Petitioner the sum of ONE HUNDRED AND NO/100 DOLLARS (\$100.00) in full payment for any and all claims asserted in connection with the property designated as Parcel 168 herein taken, claims for apportionment, severance damages, business damages, tort damages, if any, and all other damages and claims with the exception of attorney's fees, and expert costs.

2. Respondents have and recover of and from the Petitioner the sum of ONE THOUSAND, FOUR HUNDRED AND NO/100 DOLLARS (\$1,400.00), as full payment for attorneys' fees for services rendered on behalf of Respondents by the Maquire & Lassman, P.A. firm in this cause, pursuant to §\$73.091 and 73.092, *Florida Statutes* (2015). Respondents shall make no further claim for attorney's fees herein.

3. Respondents have and recover of and from the Petitioner the sum of ONE THOUSAND AND NO/100 DOLLARS (\$1,000.00), as full payment for all costs incurred herein including but not limited to the expert fee for Florida Real Estate Analysts, Inc. Respondents shall make no further claim for costs herein.

4. This Settlement Agreement will be placed on the agendas for the CFX Right of Way Committee meeting and the CFX Board, and is conditioned upon final approval by the CFX Board.

5. Upon approval of this Settlement Agreement by the CFX Board, Counsel for Petitioner and Counsel for Respondents shall jointly submit to the Court for entry a Stipulated Final Judgment in this matter as soon as practical.

6. Within thirty (30) days from the date of receipt by Petitioner's Counsel of a conformed copy of the Stipulated Final Judgment, Petitioner shall issue a check for the total amount of TWO THOUSAND, FIVE HUNDRED AND NO/100 DOLLARS (\$2,500.00), payable to the firm of Maguire & Lassman, P.A. and mail said check to Harold Lassman, Esq., Maguire & Lassman, P.A., 605 East Robinson Street, Suite 140, Orlando, FL 32801, as payment in full for all Respondents' claims herein, including attorney's fees and costs as provided in this Agreement.

7. This Settlement Agreement, executed by the respective counsel on behalf of the parties, contains all of the agreements of the parties.

CENTRAL FLORIDA EXPRESSWAY AUTHORITY, PETITIONER

Suzanne M. Driscoll, Esq. Attorney for Petitioner Dated: January \_\_\_\_, 2017

DENNIS R. KLEPZIG and JOANN KLEPZIG, husband and wife, ELLEN CHRISTINE POTTS n/k/a ELLEN CHRISTINE KLEPZIG POTTS, JAMES ROGER KLEPZIG and JILL LYNETTE KLEPZIG n/k/a JILL LYNETTE KLEPZIG-FOX, RESPONDENST

Harold A. Lassman, Esq. Attoiney for Respondents Dated: January <u>30</u>, 2017

ORLDOCS 15183768 E

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# CENTRAL FLORIDA EXPRESSWAY AUTHORITY

RIGHT OF WAY COMMITTEE MEETING February 22, 2017

Klepzig's Easement Interest on Parcel 168 Proposed Settlement







#### SITE LOCATION MAP





#### AERIAL PHOTOGRAPH-SIMMONS TRACT

(Subject easement area highlighted in yellow)



# Klepzig Easement on Parcel 168







Looking North at the Frontage Along Phils Lane



Looking East at House 1



Looking East at House 2

Looking Northeast at the Barn/shed and the vinyl siding shed



Looking east at the Detached Carport

Looking Southeast at the Metal Shed and Dog Pens





Looking Southeast at the metal shed behind house 2

Looking east at the gate to house 2

# History of Proceedings

- CFX served an Offer of Judgment (OJ) on the owner of Parcel 168, Phillip Simmons
- Mr. Simmons accepted the OJ.
- A Stipulated Final Judgment was entered.
- The easement holder, the Klepzigs, made an apportionment claim.



Comparison of Easement Holder's Demand and Proposed Settlement

Easement Interest on Parcel 168	Owner's Demand	Proposed Settlement
Value of Easement	\$900	\$100
Expert Fees (Gary Pendergast)	\$1,250	\$1,000
Attorney's Fees (Maguire Lassman, PA)	15 hours	\$1,400



Please recommend to the CFX Board approval of a settlement, inclusive of attorney's fees and expert costs, in the amount of <u>\$2,500.00</u>, in full settlement of all compensation for all claims asserted by the Klepzigs for the acquisition of Parcel 168.

# Tab E

#### CENTRAL FLORIDA EXPRESSWAY AUTHORITY

#### MEMORANDUM

TO: Right of Way Committee Members

FROM: Linda S. Brehmer Lanosa, Deputy General Counsel Linda Bd

DATE: February 7, 2017

RE: Central Florida Expressway Authority v. Orange County Florida, et al. Case No. 2014-06812-O, Project: 429-202, Parcel 135 Owner: Orange County, Florida Area: West Side of Plymouth Sorrento Road, North of Yothers Road Size of Parent Tract: 27.391 acres; Amount Taken: 8.334 acres **Proposed Settlement** 

#### **DESCRIPTION OF PARCEL 135**

By deposit made pursuant to an Order of Taking on August 8, 2014, CFX acquired title to Parcel 135. Parcel 135 is an 8.334-acre taking from a 27.391-acre parent tract that Orange County acquired in 1964 and used as a former clay pit. The parent tract is irregular in shape and has numerous depressions in the southeast, central and western portions. The parent tract is west of Plymouth Sorrento Road, north of Yothers, Road in unincorporated Orange County.

The taking bisects the property. The east and west remainders are 8.772 and 10.285 acres, respectively. The tax map, aerials and photographs of the property are attached. Access to the property before the taking is from Sorrento Avenue, which is an unpaved 20-foot-wide right of way along the length of the property. Sorrento Avenue is not maintained by either Orange County or City of Apopka. After the taking, access to the eastern remainder remains unchanged and access to the western remainder has been reestablished through a new right of way from Yothers Road.

Walter N. Carpenter, Jr., MAI, CRE, appraised the property as of June 14, 2013. The property is currently zoned as A-1, Citrus Rural Agricultural District, with a future land use of R, Rural /Agricultural. After considering what is physically possible, legally permissible, financially feasible, and maximally productive, Mr. Carpenter determined that the highest and best use of the property is for rural low-density residential uses of one to two residences. He utilized the comparable sale approach, located sales ranging in price per net acre from \$4,286 to \$19,825, and estimated the value of the land at \$12,000 per acre. Based upon the proximity of the expressway, Mr. Carpenter valued severance damages at 10%. Thus, his estimate of full compensation is the sum of the following:

4974 ORL TOWER RD. ORLANDO, FL 32807 | PHONE: (407) 690-5000 | FAX: (407) 690-5011



Land (8.334 acres @ \$12,000/acre)	\$100,000
Improvements	0
Severance Damages (10%)	\$ 25,000
Total	\$125,000

#### NEGOTIATIONS

After reviewing the appraisal report and the access, Orange County staff offered to settle this matter for the all-inclusive amount of \$205,000. In the interest of keeping costs to a minimum, Orange County did not retain an appraiser or present CFX with expert reports. Instead, Orange County's counteroffer reflects a land value of \$20,000 per acre, which is at the top of Mr. Carpenter's range.

Description	CFX	Orange County
Price per Acre	\$12,000	\$20,000
Land (8.334 acres)	\$100,000	\$166,680
Improvements	0	0
Percent Severance Damages	10%	10%
Severance Damages (19.057-acre remainder)	\$ 25,000	\$ 38,114
Total	\$125,000	\$205,000

#### REQUEST

We request the Committee's recommendation for Board approval of an all-inclusive settlement in the amount of \$205,000, resolving all claims for compensation from CFX resulting from the taking of Parcel 135, including severance damages, interest, attorney's fees, expert fees, and costs.

#### ATTACHMENTS

Tax Map Aerials and Photographs Proposed Settlement Agreement





Approximate Representation Source: Orange County Property Appraiser

 PARCEL NO.:
 135

 OWNER:
 ORANGE COUNTY

 PROJECT.
 SR 429 WEKIVA PARKWAY EXTENSION PROJECT NO. 429-202

 CITY/COUNTY:
 ORANGE

#### AERIAL PHOTOGRAPH



Approximate Representation Source: Orange County Property Appraiser

PARCEL NO OWNER PROJECT: CITY/COUNTY

135 ORANGE COUNTY SR 429 WEKIVA PARKWAY EXTENSION PROJECT NO 429-202 ORANGE

#### SUBJECT PHOTOGRAPHS



View of the parent tract facing west from Sorrento Ave



View of the central area of the parent tract facing northwest

PARCEL NO 135 OWNER ORANGE COUNTY PROJECT SR 429 WEKIVA PARKWAY EXTENSION PROJECT NO 429-202 CITY/COUNTY: ORANGE

#### **AERIAL PHOTO (ACQUISITION)**



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

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

Petitioner,

٧.

ORANGE COUNTY, FLORIDA, a political subdivision of the State of Florida; and SCOTT RANDOLPH, Orange County Tax Collector, CASE NO. 2014-CA-006812-O

Parcel 135

Division 39

Respondents.

#### PROPOSED SETTLEMENT AGREEMENT

Petitioner, Central Florida Expressway Authority, and Respondent, Orange County, Florida, by and through the undersigned staff members, agree to recommend to their respective Boards the following to settle and fully resolve Parcel 135:

 Petitioner will pay to Respondent, Orange County, Florida ("Respondent") the sum of Two Hundred Five Thousand Dollars (\$205,000), in full settlement of all claims for compensation from Petitioner resulting from the taking of Parcel 135, including severance damages, interest, attorney's fees, expert fees, and costs.

 Petitioner is entitled to a credit in the amount of One Hundred Twenty-Five Thousand Dollars (\$125,000), which sum was previously deposited in the Registry of the Court in this case by Petitioner.

3. Within twenty (20) days of the actual date of receipt by Petitioner's counsel of a conformed copy of the aforesaid Stipulated Final Judgment from the Court, Petitioner will deposit into the Registry of the Court the total amount of Eighty Thousand Dollars (\$80,000), which represents the difference between full compensation and the amount previously deposited.

4. This Agreement is contingent upon approval of the Central Florida Expressway Authority ("CFX") Right of Way ("ROW") Committee and the CFX Board of Directors and the approval of the Orange County Board of County Commissioners ("Orange County BCC"). Staff for both parties agree to submit this Agreement to their respective Boards at the next available meeting.

5. Counsel for Petitioner and Respondent will jointly submit to the Court for signature a mutually approved Stipulated Final Judgment in this matter as soon as practicable after the approval of this Agreement by the CFX Board and the Orange County BCC.

6. This Agreement resolves all claims whatsoever, including claims of compensation arising from the taking of Parcel 135, such as severance damages, business damages, tort damages, interest, attorney's fees, expert fees, costs, and any other claim.

 This Agreement, effective on the last day executed below, contain(s) all the agreements of the parties.

CENTRAL FLORIDA EXPRESSWAY AUTHORITY

Print Name: Title: Din neerin Date:

11

Linda Brehmer Lanosa, Esq. for Central Florida Expressway Authority

30/2017 Date:

ORANGE COUNTY, FLORIDA

Print Name: AUHOND

NINGIN

Title:

Date: 1/19/

Andrea Azuka Adibe, Esq., for Orange County, Florida

Date:

# CENTRAL FLORIDA EXPRESSWAY AUTHORITY

# RIGHT OF WAY COMMITTEE MEETING February 22, 2017

Parcel 135 Proposed Settlement



TAX MAP



Approximate Representation Source: Orange County Property Appraiser



# Aerial of Parcel 135

PARCEL NO.: OWNER: PROJECT: CITY/COUNTY:

135 ORANGE COUNTY SR 429 WEKIVA PARKWAY EXTENSION PROJECT NO. 429-202 ORANGE

#### **AERIAL PHOTOGRAPH**



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Approximate Representation Source: Orange County Property Appraiser



# Aerial of Parcel 135 (Acquisition)

PARCEL NO.: 135 OWNER: ORANGE COUNTY PROJECT: SR 429 WEKIVA PARKWAY EXTENSION PROJECT NO. 429-202 CITY/COUNTY: ORANGE

#### **AERIAL PHOTO (ACQUISITION)**



### **CENTRAL FLORIDA EXPRESSWAY AUTHORITY**



View of the parent tract facing west from Sorrento Avenue



View of the central area of the parent tract facing northwest



View of the central and western areas of the parent tract facing west



View of the central area of the parent tract facing north



# **Proposed Settlement**

Description	CFX	Proposed Settlement
Price per Acre	\$12,000	\$20,000
Land Taken (8.334 acres)	\$100,000	\$166,680
Improvements	0	0
Percent Severance Damages	10%	10%
Severance Damages (8.772-ac eastern remainder and 10.285 western remainder)	\$ 25,000	\$ 38,114
TOTAL	\$125,000	\$205,000



Please recommend to the CFX Board approval of an allinclusive settlement in the amount of <u>\$205,000</u>, for all compensation arising from the taking of Parcel 135, including severance damages, interest, attorney's fees, expert fees, and costs.