

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. APPROVAL OF MINUTES – January 25, 2017

TAB A

Requesting approval of the 01/25/17 minutes. **Action Item.**

4. S.R. 429 (NGUYEN AND HUYNH) WEKIVA PARKWAY PROJECT (PROJECT 429-204) PARCEL 255 – Trippe Cheek, Winderweedle, Haines, et. al.

TAB B

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

5. S.R. 429 (MERRILL AND S&L NURSERIES) WEKIVA PARKWAY PROJECT (PROJECT 429-202) PARCEL 158 PARTS A & B

TAB C

Trippe Cheek, Winderweedle, Haines, et. al.

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

6. S.R. 429 (SIMMONS) WEKIVA PARKWAY PROJECT (PROJECT 429-203) PARCEL 168 – Linda Brehmer Lanosa, CFX, on behalf of Suzanne Driscoll, Shutts & Bowen

TAB D

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 (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.**

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.

Tab A

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

Committee Members Not Present:

Brendon Dedekind, Citizen Representative
Christopher Murvin, Citizen Representative

CFX Staff Present at Dais:

Joseph L. Passiatore, General Counsel
Laura Kelley, Executive Director
Linda S. Brehmer Lanosa, Deputy General Counsel
Mimi Lamaute, Paralegal/Recording Secretary

Item 1: CALL TO ORDER

The meeting was called to order at 2:00 p.m. by Chairman Babcock.

Item 2: PUBLIC COMMENT

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: S.R. 429 (ELLEN S. HARDGROVE AICP PLANNING CONSULTANT, INC.) WEKIVA 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. Englemann'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 all-inclusive 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 publicrecords@CFXWay.com 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 Check, 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
<u>Improvement Value</u>	<u>\$141,600</u>
Total Compensation	\$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
<u>Improvement Value</u>	<u>\$208,600</u>
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:

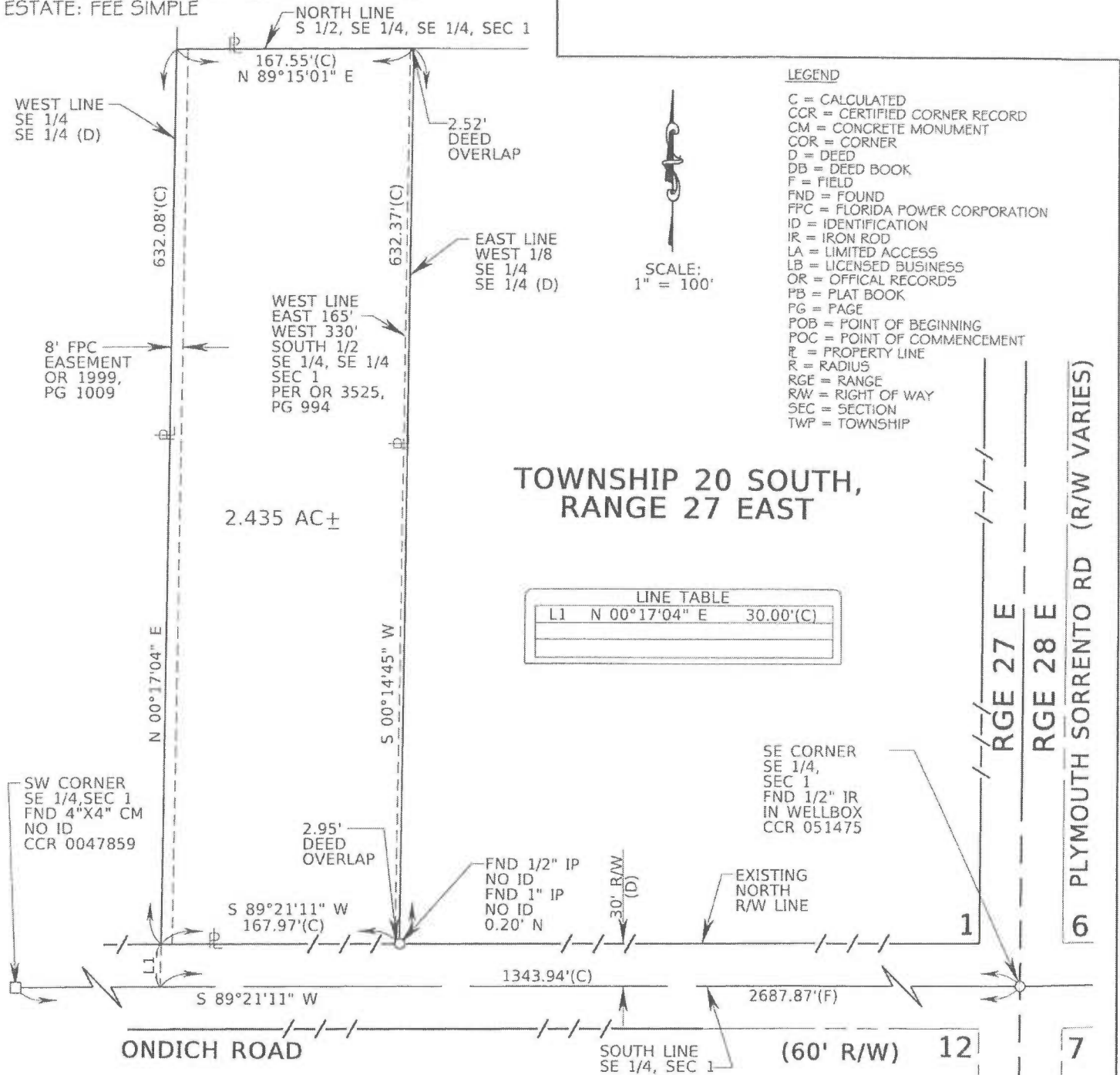
Exhibit A-Sketch of Subject Property
Exhibit B-Map Depicting Location of Property

SKETCH OF DESCRIPTION

PARCEL 255

PURPOSE: LIMITED ACCESS RIGHT OF WAY

ESTATE: FEE SIMPLE



GENERAL NOTES:

1. THE BEARINGS SHOWN HEREON ARE BASED ON THE FLORIDA STATE PLANE COORDINATE SYSTEM, EAST ZONE, 1983 NORTH AMERICAN DATUM, 2007 ADJUSTMENT, WITH THE SOUTH LINE OF THE SOUTHEAST 1/4 OF SECTION 1, TOWNSHIP 20 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA, HAVING A BEARING OF SOUTH 89°21'11\"
2. THERE MAY BE OTHER RECORDED DOCUMENTS FOUND IN ORANGE COUNTY RECORDS AFFECTING THIS PROPERTY THAT ARE NOT SHOWN ON THIS SKETCH OF DESCRIPTION.
3. ATTENTION IS DIRECTED TO THE FACT THESE MAPS MAY HAVE BEEN ALTERED IN SIZE BY REPRODUCTION. THIS MUST BE CONSIDERED WHEN OBTAINING SCALE DATA.
4. A CERTIFICATE OF TITLE INFORMATION PREPARED BY \"FIRST AMERICAN TITLE INSURANCE COMPANY\" DATED NOVEMBER 21, 2012, FILE NO. 2037-2857094 WAS REVIEWED BY THE SURVEYOR AND EXCEPTIONS (IF ANY) NOTED ON SAID CERTIFICATE ARE SHOWN HEREON.

FOR: ORLANDO ORANGE COUNTY EXPRESSWAY AUTHORITY

STATE ROAD 429

DESIGNED BY: RJM

DATE: 12/18/13

DRAWN BY: DJK

JOB NO:

APPROVED BY: RJM

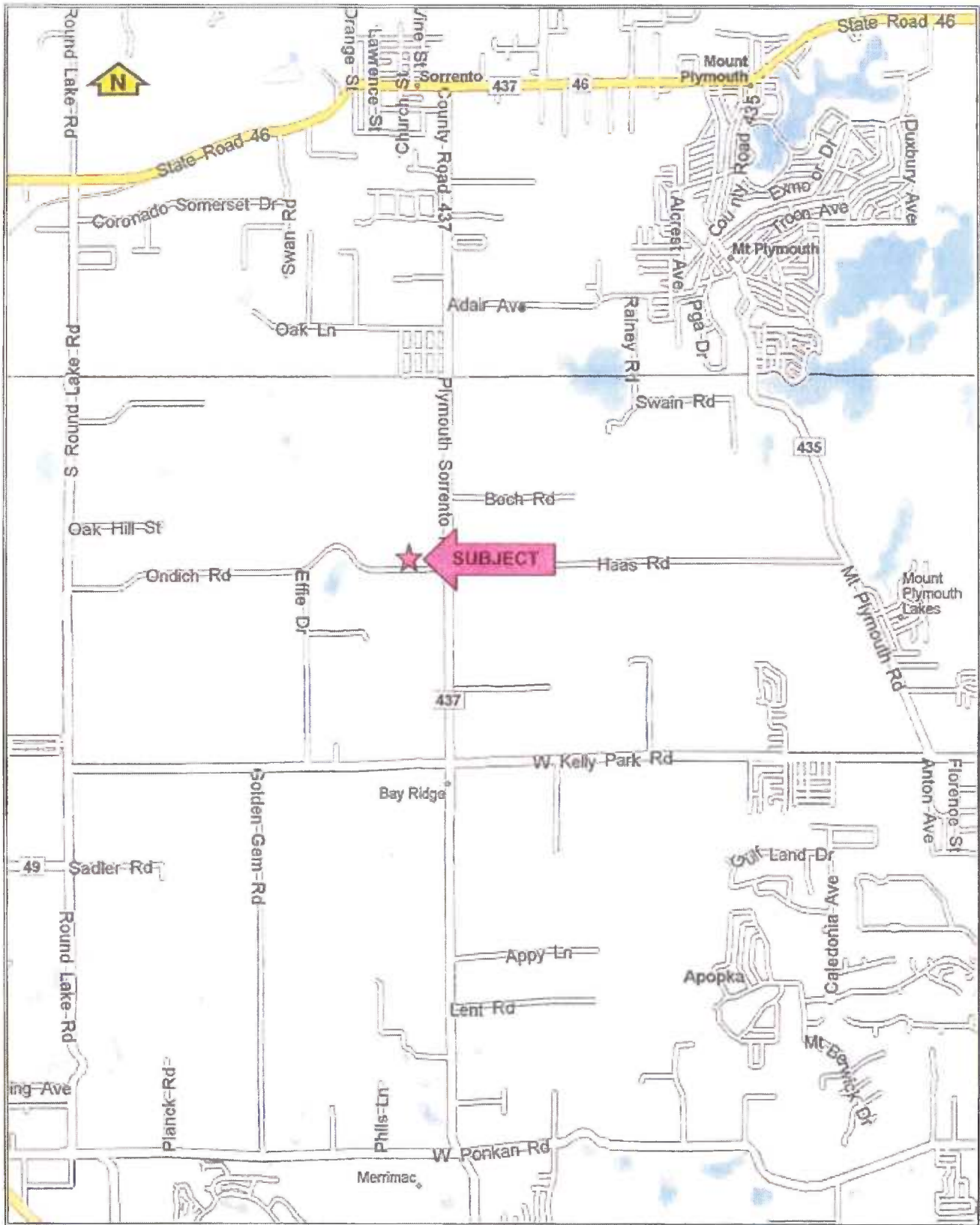
OOCEA PROJECT NO: 429-204

URS

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

REVISIONS:

SHEET: 2 OF 2

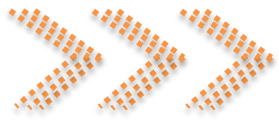


SUBJECT LOCATION MAP
PARCEL 255



CENTRAL FLORIDA EXPRESSWAY AUTHORITY

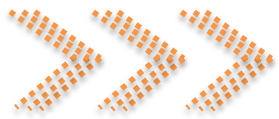




Central Florida Expressway Authority
Right of Way Committee
February 22, 2017

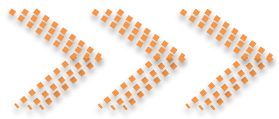
**Recommendation for
Approval of Settlement**

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



Aerial Photo





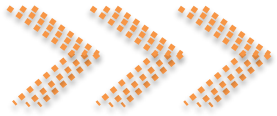
The Property





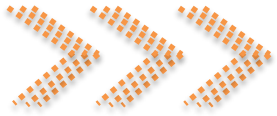
The Residence and Garage/Shed





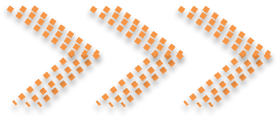
Appraisal Comparison

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
<u>Attorney's fees (statutory betterment)</u>	<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: Central Florida Expressway Authority Right of Way Committee

FROM: 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 429-202; 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 value of \$238,500. Mr. LaDue estimated the value of the immovable fixtures to be \$119,800, for a total improvement value of \$358,300. Utilizing the Sales Comparison Approach, Mr. 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
Total Compensation to Landowners	\$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 adequately 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
Total Compensation to Landowners	\$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
Total Landowner Expert Fees	\$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
Total CFX Expert Fees	\$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:

Compensation to Landowners	\$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:

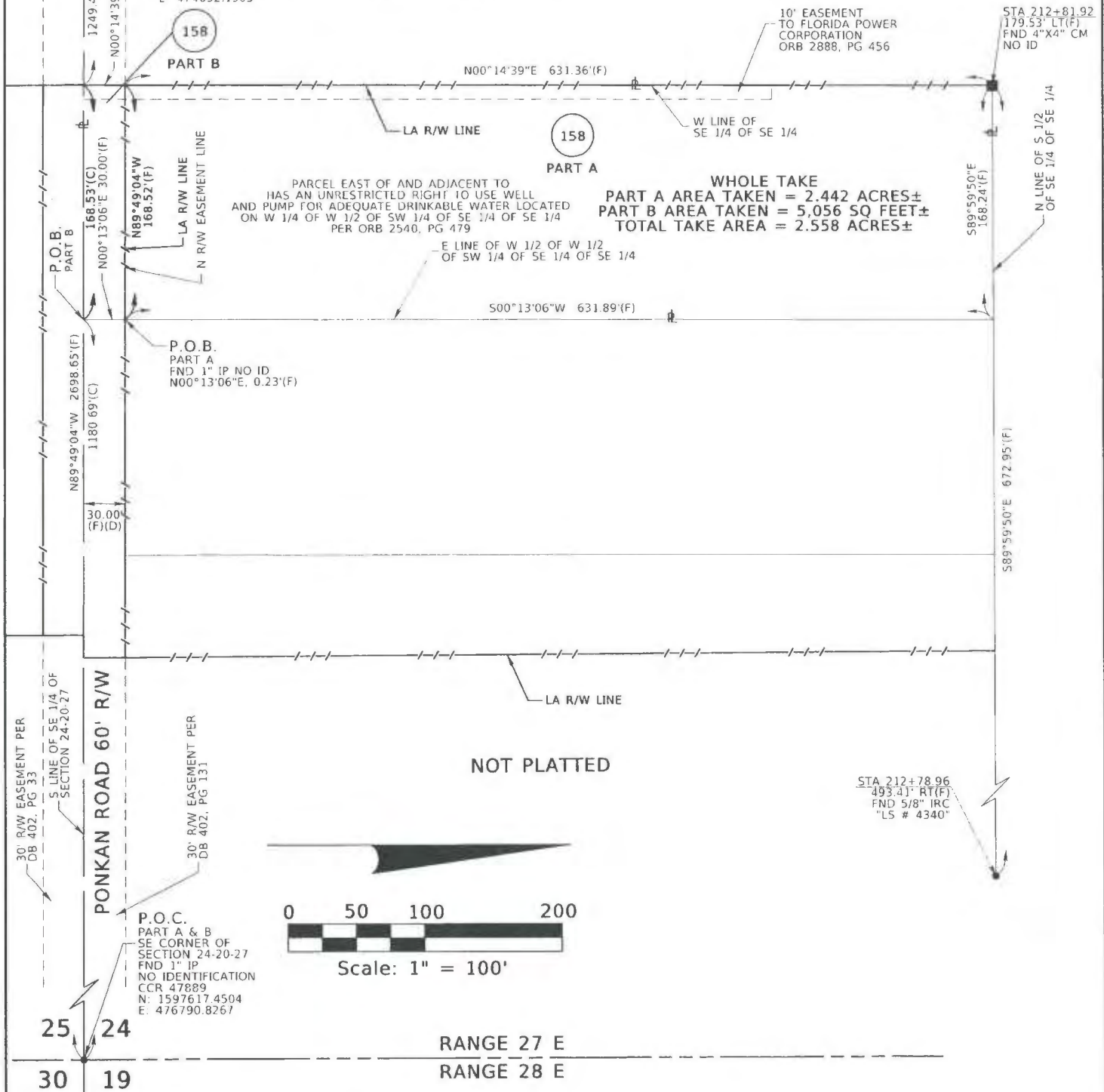
The undersigned counsel respectfully requests that the Right of Way Committee recommend CFX Board approval for a settlement in the amount of \$772,250.00 to fully resolve Shirley Merrill's and S & L Nursery's interest in this case, including attorney's fees and expert fees and costs.

ATTACHMENTS:

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

SKETCH OF DESCRIPTION

SECTION 24, TOWNSHIP 20 SOUTH, RANGE 27 EAST



SEE SHEET 1 FOR LEGAL DESCRIPTION
SEE SHEET 3 FOR GENERAL NOTES AND LEGEND

SHEET 2 OF 3

FOR: ORLANDO-ORANGE COUNTY
EXPRESSWAY AUTHORITY

DATE: MARCH 28, 2013

PROJECT NO.: H20-01

DRAWN: PMM CHECKED: JMS

STATE ROAD 429
OOCEA PROJECT NO. 429-202
PARCEL NO. 158



GEODATA CONSULTANTS, INC.

SURVEYING & MAPPING

2700 WESTHALL LANE

SUITE 137

MAITLAND, FLORIDA 32751

VOICE: (407) 660-2322 FAX: 660-8223

LAND SURVEYOR BUSINESS LICENSE NO. 6556

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	PL	= 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		

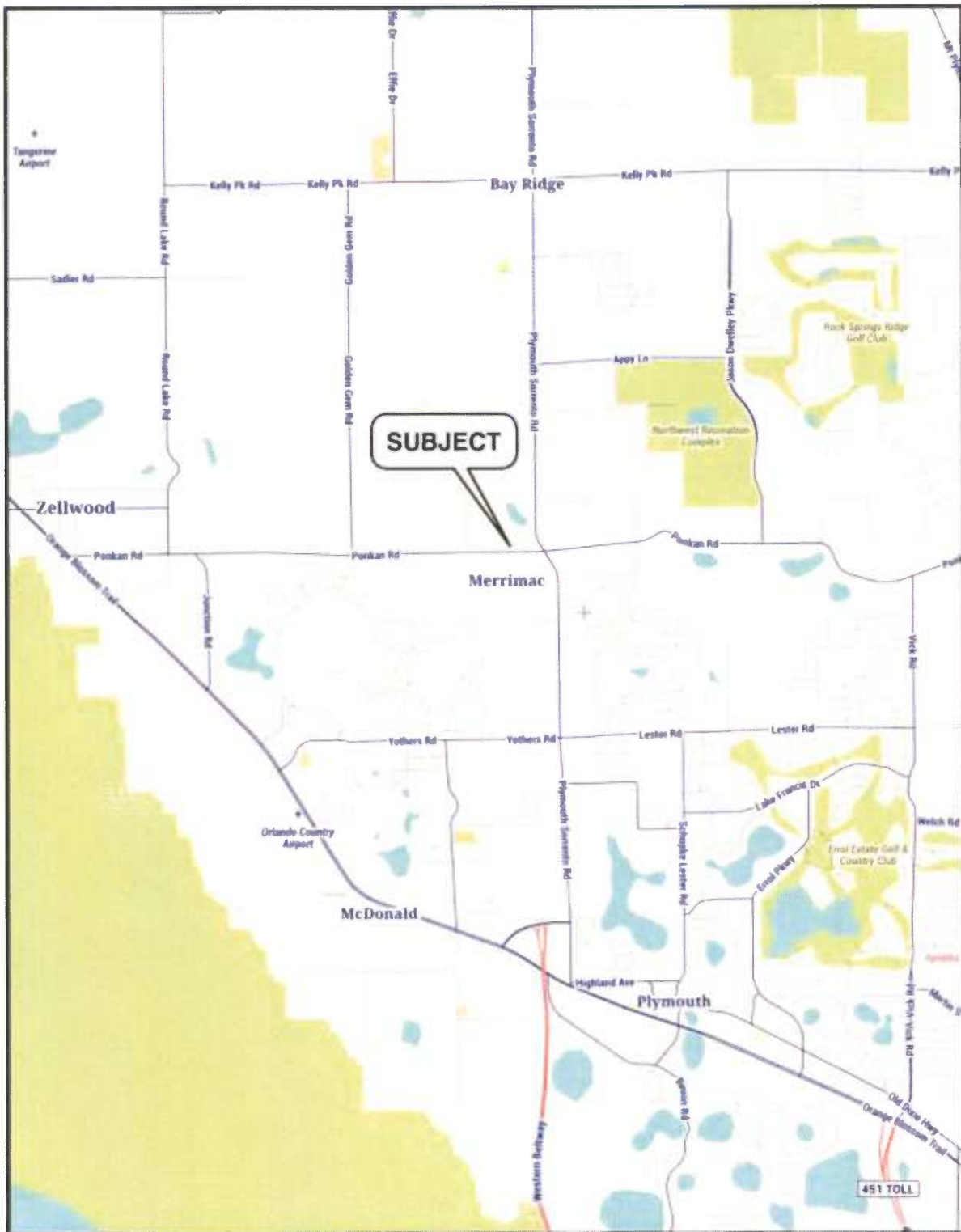
GENERAL NOTES:

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.
8. THIS SKETCH IS NOT A SURVEY.

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

SHEET 3 OF 3

				I HEREBY CERTIFY THAT THIS LEGAL DESCRIPTION AND SKETCH IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. I FURTHER CERTIFY THAT THIS LEGAL DESCRIPTION AND SKETCH MEETS THE MINIMUM TECHNICAL STANDARDS AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO CHAPTER 472 OF THE FLORIDA STATUTES SUBJECT TO NOTES AND NOTATIONS SHOWN HEREON.	
				 9-11-2013	
REVISED PER COMMENTS		PMM	05/09/2013	H. Paul deVivero, Professional Land Surveyor No. 4990	
REVISION		BY	DATE	DATE	
FOR: ORLANDO-ORANGE COUNTY EXPRESSWAY AUTHORITY		STATE ROAD 429		 GEODATA CONSULTANTS, INC. SURVEYING & MAPPING 2700 WESTHALL LANE SUITE 137 MAITLAND, FLORIDA 32751 VOICE: (407) 660-2322 FAX: 660-8223 LAND SURVEYOR BUSINESS LICENSE NO. 6556	
DATE: MARCH 28, 2013		OOCEA PROJECT NO. 429-202			
PROJECT NO.: H20-01		PARCEL NO. 158			
DRAWN: PMM CHECKED: JMS					



LOCATION MAP

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-CA-001972-0

Subdivision 39

Petitioner,

Parcel 158 (Parts A + B)

vs.

Clifton J Merrill, Jr., Shirley Ann Merrill,
StL Nursery, et. al.

Respondent(s).

MEDIATED SETTLEMENT AGREEMENT

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

1. Petitioner will pay to Respondent(s), Clifton J. Merrill, Jr., Shirley Ann Merrill, and StL Nursery
(referred to as "Respondent") the sum of Seven Hundred Seventy-Two Thousand Two Hundred Fifty Dollars
exactly (\$ 772,250), in full settlement of all claims for compensation from Petitioner
whatsoever for the taking of Parcel 158 (Parts A + B), including statutory interest and all
claims related to real estate and business damages, severance 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 in the 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 (\$ 427,250), 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 S.M.
conditioned upon final approval by the ROW Committee and then the CFX Board.

* This 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

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

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

6. This Agreement resolves all claims whatsoever, including claims of *S.M.* compensation arising from the taking of Parcel *158 (Part A & B)*, 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 apportionment claims including supplemental attorneys fees and costs related to*

7. This Settlement Agreement, executed by the parties and their counsel on this *2* day of *February*, 201*7*, contains all the agreements of the parties. *ment claims.*

Linda S.B. Lanora
Print Name: Linda S.B. Lanora
Central Florida Expressway Authority

Richard Weinman
Print Name: Richard Weinman
Counsel for CFX

Print Name: LAURENCE M WATSON JR
Mediator *Laurence M Watson*

Shirley Ann Merrill
Print Name: Shirley Ann Merrill
as Owner, Owner of SGL Nursery and as Personal Representative of the Estate of Clifton J. Merrill, Jr.

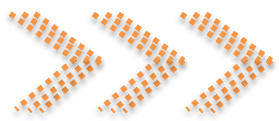
Clifton J. Merrill III
Print Name: Clifton J. Merrill III
Owner Personal Representative of the Estate of Clifton J. Merrill, Jr.

Kent L. Hips
Print Name: Kent L. Hips
Attorney for Owner



CENTRAL FLORIDA EXPRESSWAY AUTHORITY

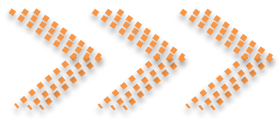




Central Florida Expressway Authority
Right of Way Committee
February 22, 2017

**RECOMMENDATION FOR
APPROVAL OF SETTLEMENT**

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



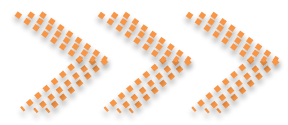
Aerial Photo





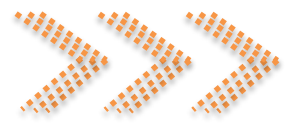
The Greenhouses





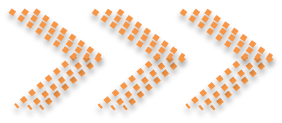
The Greenhouses





The Greenhouses





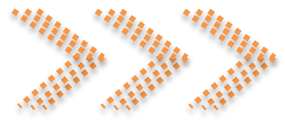
Bird's Eye View of the Property





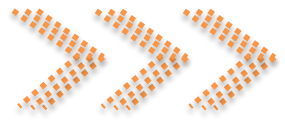
THE PROPERTY





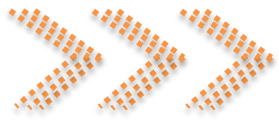
The Property





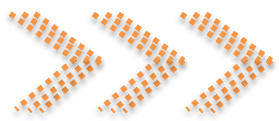
The Property





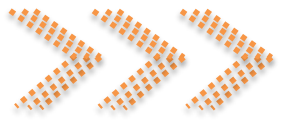
Appraisal Comparison

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



Settlement

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 betterment)</u>	<u>\$33,169</u>	<u>\$26,000</u>
Total	\$1,075,544	\$772,250



RECOMMENDATION

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 CLIENT-MATTER NO.: 19125.0085
Right of Way Committee Members

FROM: Suzanne M. Driscoll, Esq., Right-of-Way Counsel

CC: Linda Brehmer Lanosa

DATE: February 3, 2017

RE: State Road 429 Wekiva Parkway, Project 429-203; Parcel 168 (Simmons)
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

ORLDOCS 15204179 1

**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.

CASE NO.: 2014-CA-003698-O

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

Parcel 168

Respondents.

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 herein taken, severance damages, business damages, tort

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.

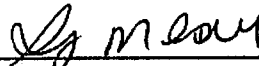
DONE AND ORDERED at Orlando, Orange County, Florida, this 1 day of February, 2017

/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 February, 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.



Judicial Assistant

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.

CASE NO.: 2014-CA-003698-O

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

Parcel 168

Respondents.

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.


SUZANNE M. DRISCOLL, ESQ.
sdriscoll@shutts.com
Florida Bar No. 827797
DAVID A. SHONTZ, ESQ.
dshontz@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


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
efilings@callanlaw.com
Attorneys for Respondent,
Phillip M. Simmons
Dated: February __, 2017

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: tmartin@shutts.com;
mfarmer@shutts.com ehumaran@shutts.com
Attorneys for Petitioner,
Central Florida Expressway Authority

CHRISTY WILSON, III, ESQ.
jewilson@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, ESQ.
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

Served via U.S. Mail Only:

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

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

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 OF THE EAST HALF OF THE NORTHWEST QUARTER OF SAID SOUTHEAST QUARTER; THENCE NORTH 89°50'02" EAST ALONG SAID SOUTH LINE, A DISTANCE OF 15.00 FEET TO THE POINT OF BEGINNING.

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

CONTAINING 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

LEGEND & ABBREVIATIONS

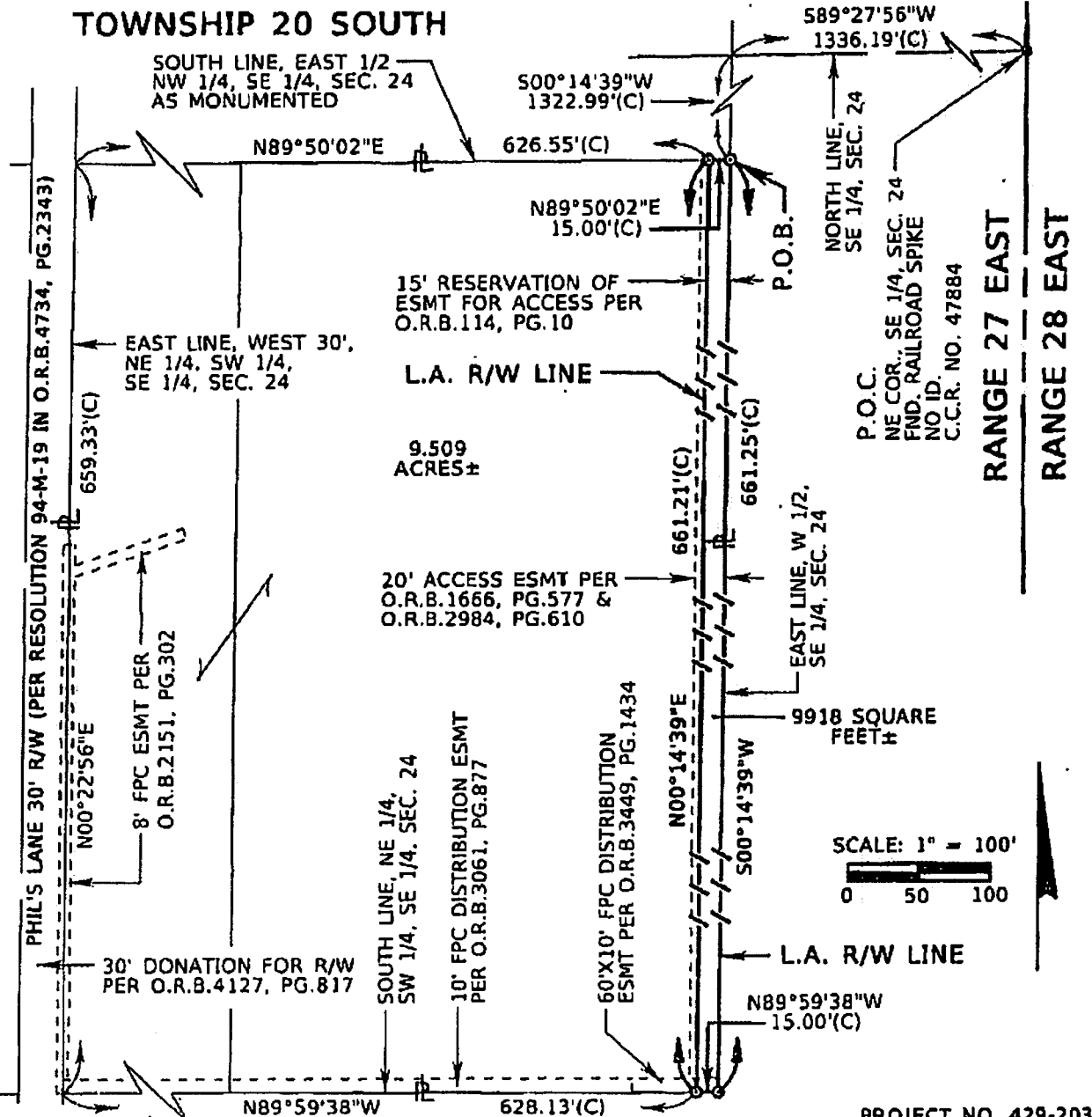
CO	= CHORD BEARING	ID	= IDENTIFICATION	P.I.	= POINT OF INTERSECTION	(R)	= RADIAL
C.C.R.	= CERTIFIED CORNER RECORD	IR	= IRON ROD	P.O.B.	= POINT OF BEGINNING	SEC.	= SECTION
CL	= CHORD LENGTH	L	= ARC LENGTH	P.O.C.	= POINT OF COMMENCEMENT	TUTT	= TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND
COA	= CORNER	L.A.	= LIMITED ACCESS	PROJ.	= PROJECT	WU	= WITH
ICI	= CALCULATED DISTANCE	LS	= LICENSED SURVEY BUSINESS	P.T.	= POINT OF TANGENCY	6	= PROPERTY LINE
O.B.	= ODD BOOK	LT	= LEFT	(P)	= PLAT	8	= SAME PROPERTY OWNER
EASMT	= EASEMENT	NO.	= NUMBER	R	= RADIUS	0	= DELTA (CENTRAL ANGLE)
EXIST.	= EXISTING	O.R.B.	= OFFICIAL RECORDS BOOK	R.B.M.	= ROAD BOUND MAP	0	= CHANGE IN DIRECTION
IND.	= FOUND	P.C.	= POINT OF CURVATURE	RT	= RIGHT	---	= LIMITED ACCESS R/W LINE
IPC	= FLORIDA POWER CORPORATION	PG./PGS.	= PAGE / PAGES	R/W	= RIGHT OF WAY	---	= R/W LINE
(P)	= FIELD DISTANCE						

DATE	DECEMBER 06, 2013		SKETCH OF DESCRIPTION. THIS IS NOT A BOUNDARY SURVEY. S.R. 429 (WEKIVA PARKWAY) ORLANDO-ORANGE COUNTY EXPRESSWAY AUTHORITY ORANGE COUNTY, FLORIDA	PARCEL 168
DRAWN BY	M.ROLLINS			SCALE: N/A
CHECKED BY	S.WARE			SHEET 1 OF 2
BSA PROJECT NO.	EAL1-11			
REVISION	BY	DATE		

EXHIBIT "A"

BEARING STRUCTURE BASED ON THE NORTH LINE OF THE SOUTHEAST 1/4 OF SEC. 24-20-27, BEING S89°27'56"W, FLORIDA STATE PLANE COORDINATE SYSTEM, EAST ZONE, 1983/2007 ADJUSTMENT.

SECTION 24, TOWNSHIP 20 SOUTH



I HEREBY CERTIFY THAT THIS SKETCH OF DESCRIPTION IS IN ACCORDANCE WITH THE "MINIMUM TECHNICAL STANDARDS" AS REQUIRED BY CHAPTER 17, FLORIDA ADMINISTRATIVE CODE PURSUANT TO SECTION 477.027, FLORIDA STATUTES.

WILLIAM E. BYRD, JR. DATE 12/06/13
 LICENSE NUMBER 3442

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

CERTIFICATION OF AUTHORIZATION No. LB 1331



520 SOUTH MAGNOLIA AVENUE
 ORLANDO, FLORIDA 32801
 (407) 893-5130
 FAX 407-849-8664

**SKETCH OF DESCRIPTION.
THIS IS NOT A BOUNDARY SURVEY.**

S.R. 429 (WEKIVA PARKWAY)
 ORLANDO-ORANGE COUNTY
 EXPRESSWAY AUTHORITY
 ORANGE COUNTY, FLORIDA

**PARCEL
168**

SCALE: 1"=300'

SHEET 2 OF 2

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 (\$139,870.00)**, 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 clerk'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 1 day of Feb., 2017.

/s/ CHRISTI UNDERWOOD
Circuit Judge

HONORABLE CHRISTI L. UNDERWOOD
CIRCUIT COURT JUDGE

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 1 day of Feb, 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.


Judicial Assistant Attorney

SCHEDULE A

David A. Shontz, Esq.
Suzanne Driscoll, Esq.
Shutts & Bowen, LLP
300 South Orange Avenue
Suite 1000
Orlando, FL 32801
dshontz@shutts.com; hmorlan@shutts.com;
tmartin@shutts.com; mfarmer@shutts.com
*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*



FLORIDA REAL ESTATE ANALYSTS, INC.

Appraisal & Consultation

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,

Gary M. Pendergast, MAI, President

SUMMARY OF SERVICES
(GARY M. PENDERGAST)

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

<u>Date</u>	<u>Procedure</u>	<u>Time</u>
06/18/14	Research concerning access easements. Review easement documents, maps and aerals. 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 easements.	.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 best 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 easement valuation.	.50
04/07/15	Analysis of data and provide testimony at deposition for easement valuation.	.25
	Total	6.25

MAGUIRE LASSMAN, P.A.

September 26, 2014

EXHIBIT D

MAGUIRE LASSMAN, P.A.

December 11, 2014

[illegible]

TIME TRACKING LOG

MAGUIRE LASSMAN, P.A.

Attorney: Harold A. Lassman

December 12, 2014

Client	Task	Hours
Thermo CoolBD	13em & tc frm Moreno, retd call left msg	0.3
Thermo CoolBD	07w/Moreno re docs needed	0.3
Rector	11to Sam/Chuck re Drafting ANS	0.3
Hyatt, Daryl	07 Urban abt Presenting Offere	0.3
Hyatt, Daryl	11to Urban abt scheduling pres of Offer	0.3
Kirkland foreclosure	11Sam: NOT Ans in em dom, in foreclosure	0.3
Rector	11 forward ct docs for Sam to assoc.	0.2
Kirkland foreclosure	11to Stewar re Copy of Ans & CC, if CC	0.3
Rector	11toChuckccRaymer abt BD potential for sign loss	0.3
KlepziGeasements	11Sam abt mediation of 2 esmt parcels 188 & 186	0.3
Partridge Pea Faarms, LLC	11to Trey has Partridge Pea Farms signed ret	0.2
Rector	11to Chuck Johnson abt BD potential	0.3
Douglas	13frm Dix fwd to T Luke & GMorris	0.3
thermo Cool BD	12Moreno, got needed info & following up	0.3
Rector	11 further BD inquiry of Chuck	0.3
Douglas	13frm Dix fwd to T Luke & GMorris	0.3
Kirkland foreclosure	13fme Stewar, Ans & info fwd to RFM	0.3
Hyatt, Daryl	11 conf date of offer Pres. & attendance options	0.3
Hariss Trust, Roz	11 Pendergast for invoice & advice	0.3
HarissTrust, Roz	06rev. Pendergast Appraisal	1.2
Hariss Trust, Roz	06 rev Arline/Fulford Appraisal	1.3
All	Total	8

MAGUIRE LASSMAN, P.A.

December 22, 2014

[illegible]

MAGUIRE LASSMAN, P.A.

December 24, 2014

[illegible]

Attendance	05/11/2016	15/11/2016	15/11/2016	05/12/2016
Final Draft	12/11/2016	12/11/2016	12/11/2016	10/12/2016
Interviews	06/11/2016	13/11/2016	13/11/2016	10/12/2016
Media	01/11/2016	10/11/2016	10/11/2016	15/12/2016
Production	06/11/2016	14/11/2016	14/11/2016	15/12/2016

Attorney: Harold A. Lassman

[illegible]

MAGUIRE LASSMAN, P.A.

November 3, 2014

[illegible]

MAGUIRE LASSMAN, P.A.

November 7, 2014

[illegible]

MAGUIRE LASSMAN, P.A.

November 17, 2014

[illegible]

MAGUIRE LASSMAN, P.A.

November 18, 2014

[illegible]

MAGUIRE LASSMAN, P.A.

November 25, 2014

[illegible]

MAGUIRE LASSMAN, P.A.

October 3, 2014

[illegible]

TIME TRACKING LOG

MAGUIRE LASSMAN, P.A.

Attorney: Harold A. Lassman

October 7, 2014

Client	Task	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

TIME TRACKING LOG

MAGUIRE LASSMAN, P.A.

Attorney: Harold A. Lassman

October 8, 2014

Client	Task	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

MAGUIRE LASSMAN, P.A.

October 24, 2014

[illegible]

MAGUIRE LASSMAN, P.A.

October 27, 2014

[illegible]

MAGUIRE LASSMAN, P.A.

October 28, 2014

[illegible]

MAGUIRE LASSMAN, P.A.

5-Jan 2015

[illegible]

TIME TRACKING LOG

MAGUIRE LASSMAN, P.A.

Attorney: Harold A. Lassman

6-Jan 2015

Client	Task	Hours
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
Douglas	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 Easement document	0.6
Holder	04w/Raymer re research	0.5
Holder	Research	1.5
Holder	07tel conf Raymer & Trey	1
All	Total	11

MAGUIRE LASSMAN, P.A.

7-Jan 2015

[illegible]

TIME TRACKING LOG

MAGUIRE LASSMAN, P.A.

Attorney: Harold A. Lassman

19-Jan 2015

Client	Task	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

MAGUIRE LASSMAN, P.A.

21-Jan 2015

[illegible]

MAGUIRE LASSMAN, P.A.

4-Mar 2015

[illegible]

1. Review of other Jerry photos & exhibits	1. Review of other Jerry photos & exhibits	1. Review of other Jerry photos & exhibits	1. Review of other Jerry photos & exhibits
2. Review of other Jerry photos & exhibits	2. Review of other Jerry photos & exhibits	2. Review of other Jerry photos & exhibits	2. Review of other Jerry photos & exhibits
3. Review of other Jerry photos & exhibits	3. Review of other Jerry photos & exhibits	3. Review of other Jerry photos & exhibits	3. Review of other Jerry photos & exhibits
4. Review of other Jerry photos & exhibits	4. Review of other Jerry photos & exhibits	4. Review of other Jerry photos & exhibits	4. Review of other Jerry photos & exhibits
5. Review of other Jerry photos & exhibits	5. Review of other Jerry photos & exhibits	5. Review of other Jerry photos & exhibits	5. Review of other Jerry photos & exhibits
6. Review of other Jerry photos & exhibits	6. Review of other Jerry photos & exhibits	6. Review of other Jerry photos & exhibits	6. Review of other Jerry photos & exhibits
7. Review of other Jerry photos & exhibits	7. Review of other Jerry photos & exhibits	7. Review of other Jerry photos & exhibits	7. Review of other Jerry photos & exhibits
8. Review of other Jerry photos & exhibits	8. Review of other Jerry photos & exhibits	8. Review of other Jerry photos & exhibits	8. Review of other Jerry photos & exhibits
9. Review of other Jerry photos & exhibits	9. Review of other Jerry photos & exhibits	9. Review of other Jerry photos & exhibits	9. Review of other Jerry photos & exhibits
10. Review of other Jerry photos & exhibits	10. Review of other Jerry photos & exhibits	10. Review of other Jerry photos & exhibits	10. Review of other Jerry photos & exhibits

TIME TRACKING LOG

MAGUIRE LASSMAN, P.A.

Attorney: Harold A. Lassman

6-Mar 2015

Client	Task	Hours
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 Extn 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	Total	5.4

01/10/2015	02/10/2015	03/10/2015	04/10/2015
05/10/2015	06/10/2015	07/10/2015	08/10/2015
09/10/2015	10/10/2015	11/10/2015	12/10/2015
13/10/2015	14/10/2015	15/10/2015	16/10/2015
17/10/2015	18/10/2015	19/10/2015	20/10/2015
21/10/2015	22/10/2015	23/10/2015	24/10/2015
25/10/2015	26/10/2015	27/10/2015	28/10/2015
29/10/2015	30/10/2015	31/10/2015	

TIME TRACKING LOG

MAGUIRE LASSMAN, P.A.

Attorney: Harold A. Lassman

11-Mar 2015

Client	Task	Hours
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 S Jones - 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 Glenna recommending a walk through re warehs	0.3
Klepzig	04 w/Sam to locate Apport Motion for hearing	0.3
Klepzig	06rev/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	11Glenna - about cross access to the North	0.3
All	Total	6.3

MAGUIRE LASSMAN, P.A.

12-Mar 2015

TASK		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 Glenna re site visit & cross access	0.3
Hyatt	11 frm Hanratty re easement draft	0.3
Douglas	11 Glenna re Randy Ray site plan	0.3
Douglas	11 to Glenna re cross access language	0.3
Douglas	11 to Glenna re Ray Plan good idea	0.3
Douglas	11 to Glenna 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 Velle 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

TIME TRACKING LOG

MAGUIRE LASSMAN, P.A.

Attorney: Harold A. Lassman

26-Mar 2015

Client	Task	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, Thelma	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

MAGUIRE LASSMAN, P.A.

27-Mar 2015

[illegible]

MAGUIRE LASSMAN, P.A.

2-Dec

[illegible]

MAGUIRE LASSMAN, P.A.

10-Dec 2015

[illegible]

TIME TRACKING LOG

MAGUIRE LASSMAN, P.A.

Attorney: Harold A. Lassman

16-Apr 2015

Client	Task	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 Glenna 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.

17-Apr 2015

[illegible]

TIME TRACKING LOG

MAGUIRE LASSMAN, P.A.

Attorney: Harold A. Lassman

20-Apr 2015

Client	Task	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 S Jones	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

MAGUIRE LASSMAN, P.A.

21-Apr

[illegible]

MAGUIRE LASSMAN, P.A.

23-Apr 2015

[illegible]

MAGUIRE LASSMAN, P.A.

29-Apr 2015

[illegible]

MAGUIRE LASSMAN, P.A.

11-Dec 2015

[illegible]

MAGUIRE LASSMAN, P.A.

14-Dec 2015

[illegible]

TIME TRACKING LOG

MAGUIRE LASSMAN, P.A.

Attorney: Harold A. Lassman

2-Apr 2016

Client	Task	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 Apprsls 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	06revw 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 fixed but send 188 again	0.2
all	total	7.4

01-Attendance at	06-Review of	11-Prepare EMV to	AG- Agreement	GH- Good Faith Dep
02-Initial Draft of	07-Telephone Conf with	12-Review EM from	APP-Appraiser	M/- Motion
03-Review & Revise	08-Inst. to Paralegal re	13-Rec. Rev & Reply	CMO- Case Management Order	N/- Notice
04-Meeting with	09-Memo to	to EM from	CO-Counter offer	RSH-Research
05-Preparation for	10-Receipt & Review of	14-Left VM for	ENG-Engineer	

TIME TRACKING LOG

MAGUIRE LASSMAN, P.A.

Attorney: Harold A. Lassman

6-Apr

2016

Client	Task	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.

7-Apr 2015

7-Apr

[illegible]

MAGUIRE LASSMAN, P.A.

8-Apr 2016

[illegible]

01- Attendance at	06- Review of	11- Prepare Env't	AG- Agreement	GP- Good Faith Dep.
02- Initial Draft of	07- Telephone Conf. with	12- Review EMI from	APP- Appraiser	M/- Motion
03- Review & Revise	08- Inst. to Paralegal re	13- Rec. Rev. & Reply	EMO- Env't Mgmt. and Order	N/- Notice
04- Meeting with	09- Memo to	to EMI from	CO- Counter offer	RSH- Research
05- Preparation for	10- Receipt & Review of	14- Left VM for	ENG- Engineer	

TIME TRACKING LOG

MAGUIRE LASSMAN, P.A.

Attorney: Harold A. Lassman

5-Feb

2016

ing

[illegible]

0,2

[illegible]

MAGUIRE LASSMAN, P.A.

26-Feb

[illegible]

1.3

MAGUIRE LASSMAN, P.A.

3-Mar

2015

0.6

MAGUIRE LASSMAN, P.A.

11-Jan 201~~7~~ 2017

11-Jan

0.3

MAGUIRE LASSMAN, P.A.

14-Jul 2015

0.3

Klepzig Easement Parcels Hours

< July 13, 2013, first mtg with Klepzig
at the property not easement
matter

~~1/3/2014 Tel Conf Jernigan~~

2.0 August 19, 1956, working with R/W
maps located the Klepzig
easement deeded in 1956
& the public road it
connects too. Color coded
R/W lines.

- 0.2 Had Trey send copy to grader.
- 0.2 Collect file copies of surveys
of parcel sections
- 0.3 Reviewing Easement documents
& emailing to Pendergast
- 1.4 Klepzig legal amendment to
include 666 feet linear
still owned by him &
- 0.3 show Trey changes in Deed
- 0.3 Conf with Pendergast about
Klepzig easements
- 0.2 Call Jernigan &
- 0.3 Jernigan about changes in Deed
- 0.5 email to Pendergast re: spec.

K Leipzig Easement

August 22, 2014

- 0.5 Email to Bauer Esq explaining easements in response to his?
- 0.8 Email easement documents to Bauer
- 0.6 K Leipzig 7/28/14 re appsort (\$84/\$88?)
- 2.0 K Leipzig attended court appeared & did 8/4/14 not obj to FJ & did not waive right of appsort. (P 186/188)
- 0.3 Conf w/ Raymer about K Leipzig 8/4/14
- 0.5 Conf w/ K Leipzig about appsort 8/4/14
- 0.2 K Leipzig CMC on 8/5/14
- 2.0 Attended CMC at court house 8/5/14
- 1.5 8/5/14 review newly provided K Leipzig easement R/W maps correct descriptions to Pendergast
- 0.2 Tel. call Pendergast re esmt.
- 0.1 Conf Teri re esmt outlet
- 0.3 Review access R/W deed K Leipzig
- 0.2 Send copy access deed to Pendergast
- 0.0 CMC re easement esmt outlet parcels 8/7/14
- 1.0 Review R/W maps sketches K Leipzig esmt 8/7/14

Kepzig Easement

- 1.7 Kepzig court proceedings & report
no of JCWO 08184 pg 10
6/18/14 OR 1666 pg 575
no go along quarter section line
from Hedemay Lane to
the Kepzig property
- 0.2 speak w Dennis Kepzig abt
6/19/14 easements
go from back 70 acres of prop.
- 0.6 P188, 186 & 185 response to me
for report - 6/24/14
- 0.3 read the easement descriptions
6/24/2014
- 0.3 review Kepzig net-report
6/24/2014
- 0.2 email Kepzig court materials to
5/30/14 Sam
- 0.2 Tel Conf Pendergast abt courts
6/26/14
- 0.3 Look over Kepzig street map for
6/27/14 report for
- 0.3 Tel Conf JCWO abt courts - 186, 188 &
185
- 0.6 hearing re easements
- * 1.1 am Shontz re easements JCWO
167/1869 6/30/14

K Depzig assessment

2:0

6 mo. to change style

7/3/14 & memo to
approve OT by 7/18/14

**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.

CASE NO.: 2014-CA-003698-O

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

Parcel 168

Respondents.

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, RESPONDENT**



Harold A. Lassman, Esq.
Attorney for Respondents
Dated: January 30, 2017

ORLDOCS 15183768 1



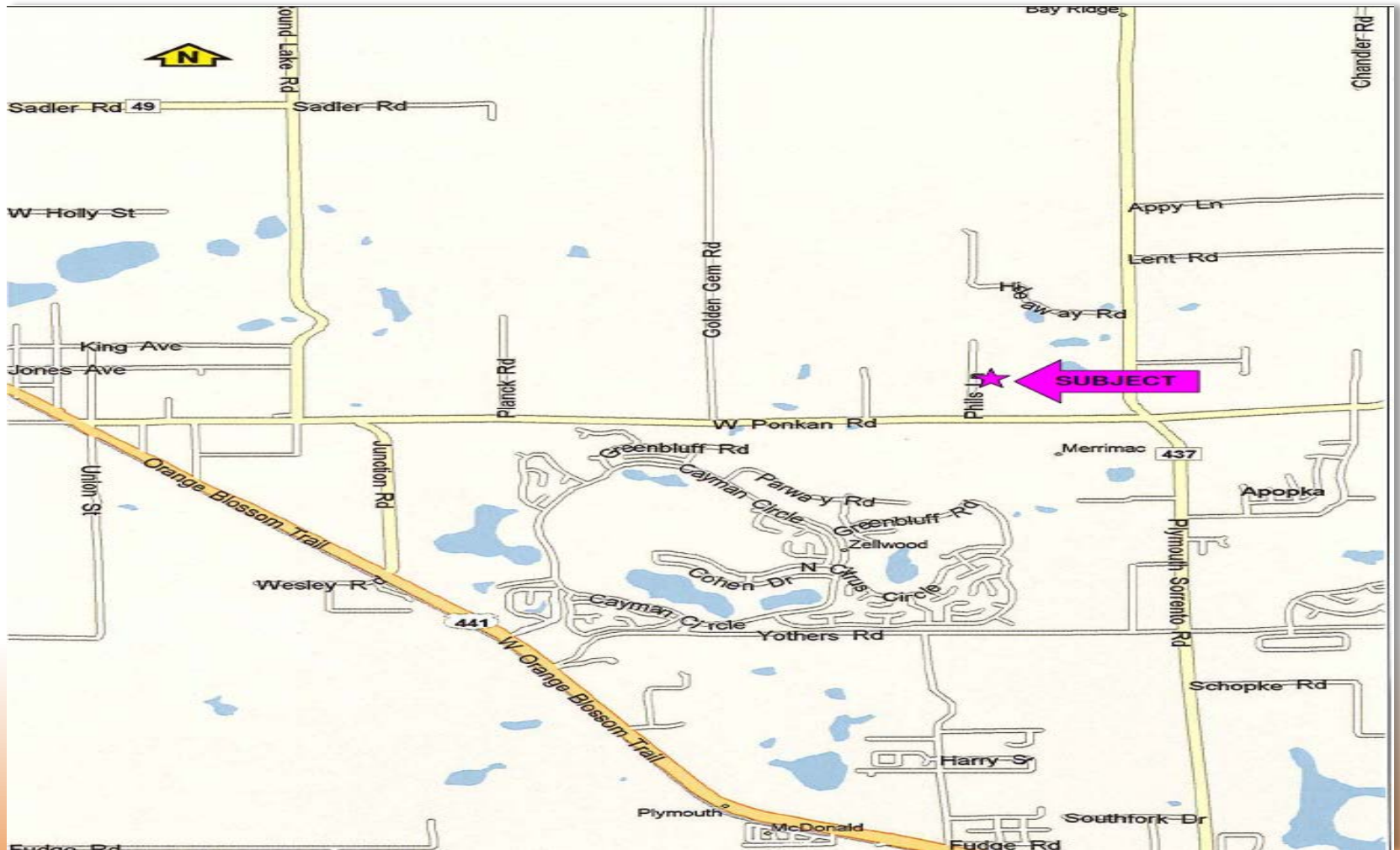
CENTRAL FLORIDA **EXPRESSWAY AUTHORITY**

RIGHT OF WAY COMMITTEE MEETING
February 22, 2017

Klepzig's Easement Interest on Parcel 168
Proposed Settlement

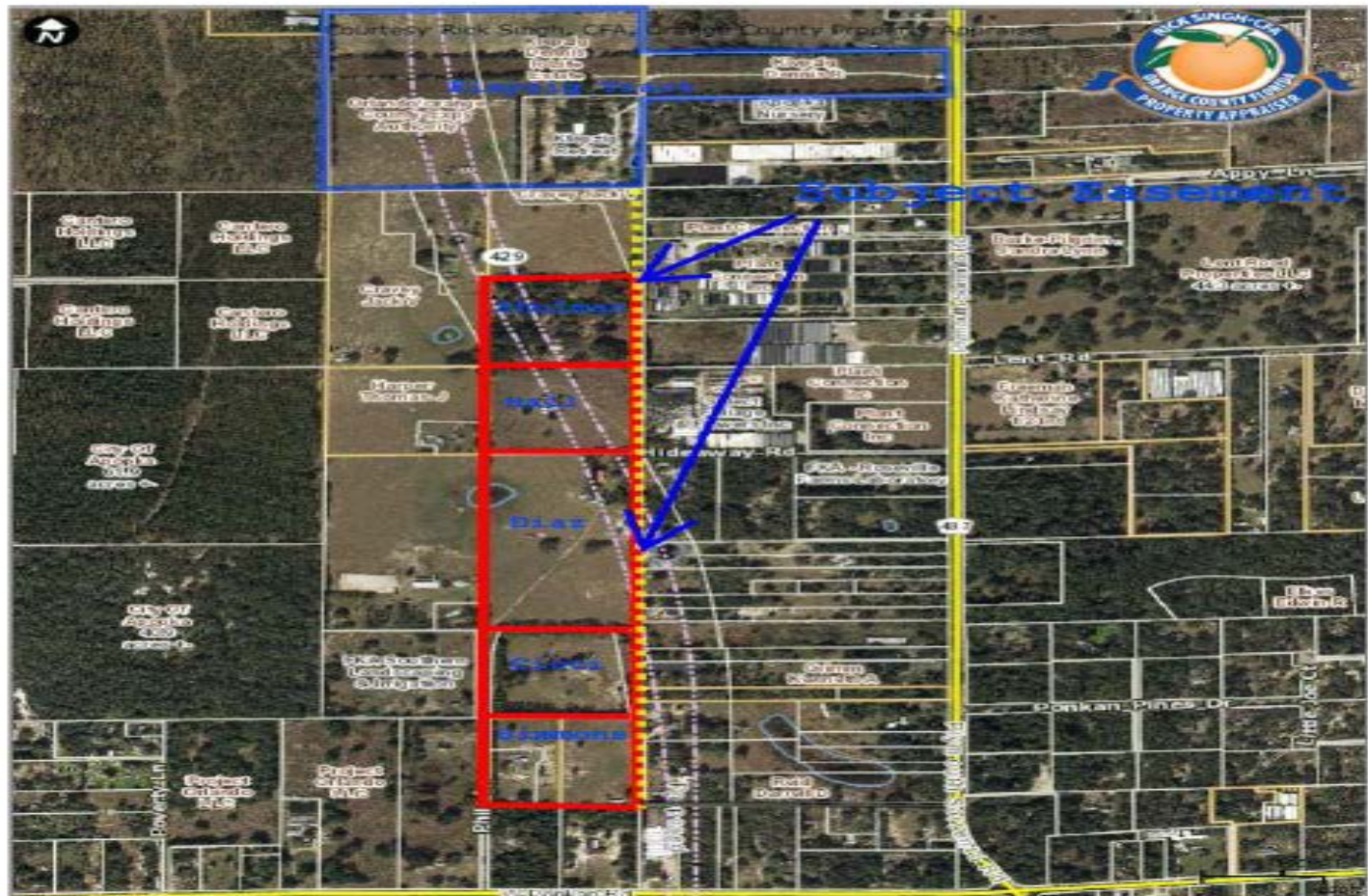


Location of Parcel 168



Site Location Map

SITE LOCATION MAP



CENTRAL FLORIDA EXPRESSWAY AUTHORITY



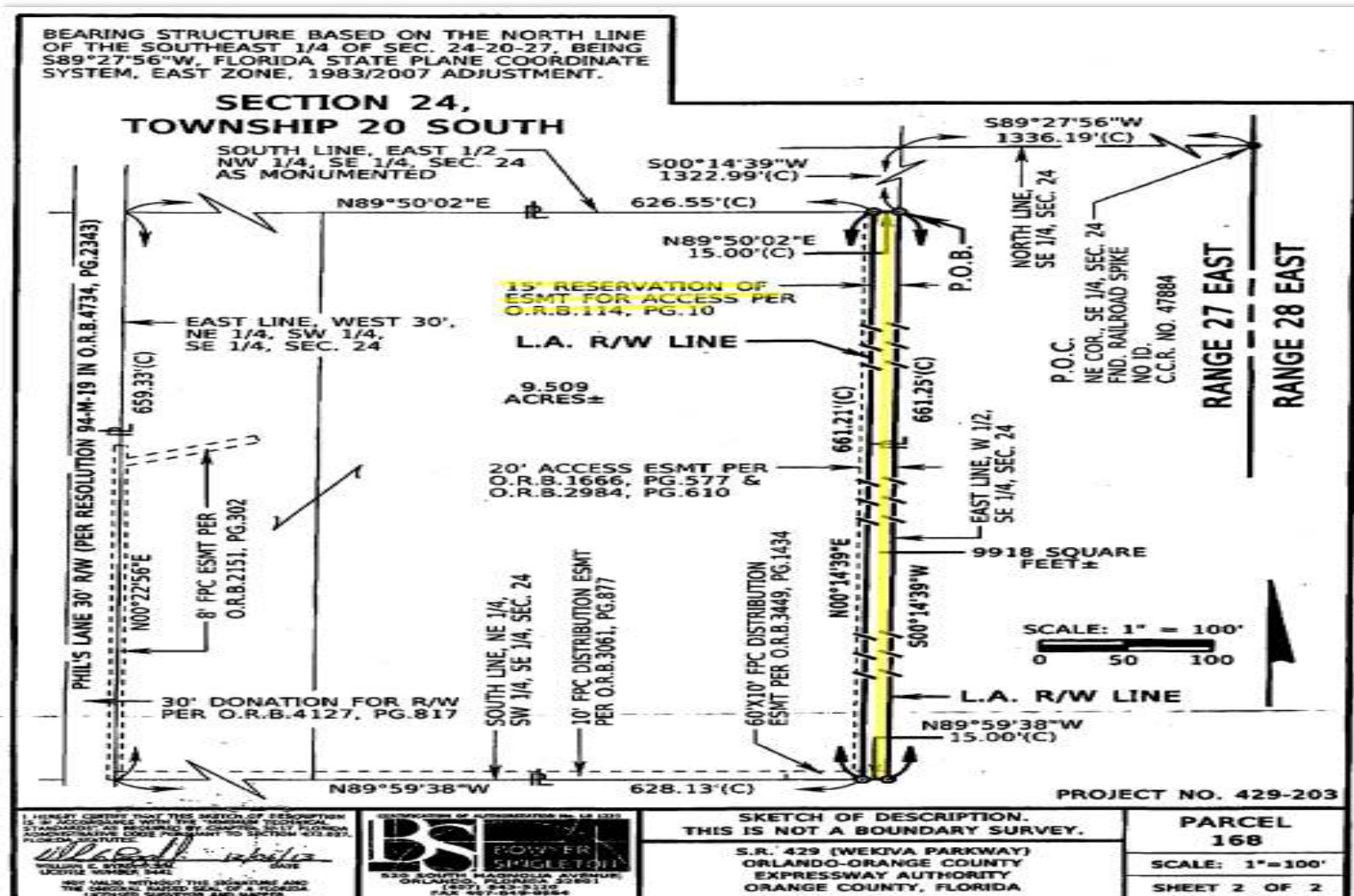
Parcel 168 with Easement

AERIAL PHOTOGRAPH-SIMMONS TRACT
(Subject easement area highlighted in yellow)





Klepzig Easement on Parcel 168



➤➤➤ Photographs of the Parent Tract



Looking North at the Frontage Along Phils Lane

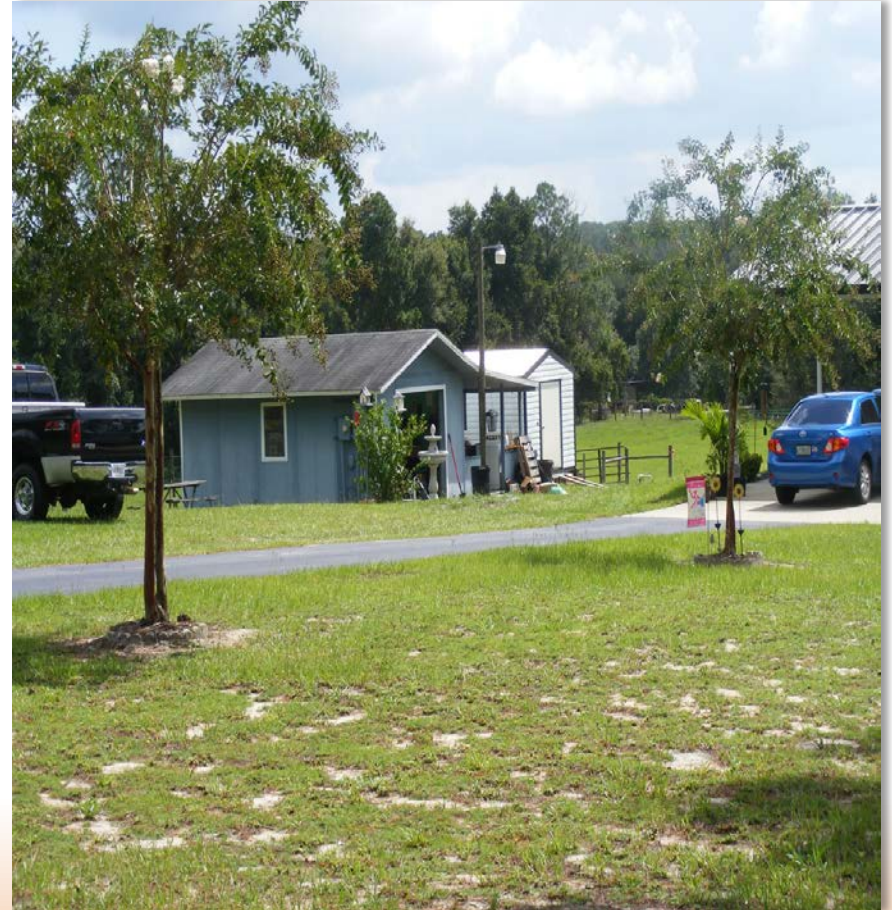


Looking East at House 1

➤➤➤ Photographs of the Parent Tract



Looking East at House 2

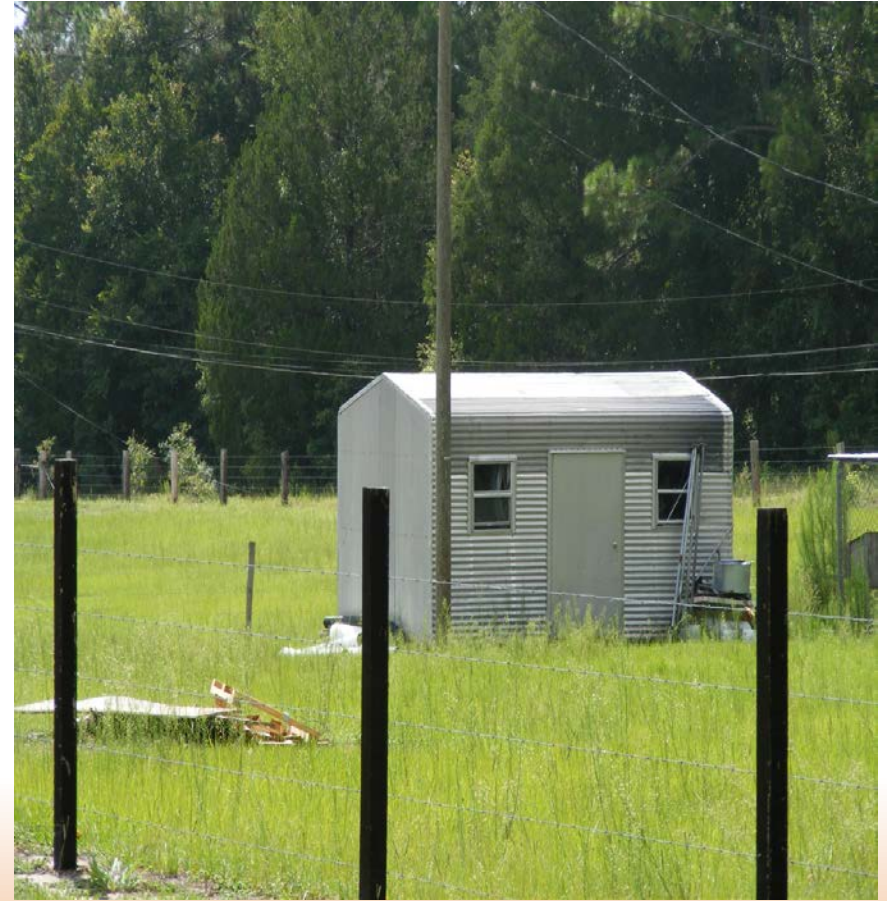


Looking Northeast at the Barn/shed and the vinyl siding shed

➤➤➤ Photographs of the Parent Tract



Looking east at the Detached Carport



Looking Southeast at the Metal Shed and Dog Pens

➤➤➤ Photographs of the Property



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



Recommendation


Please recommend to the CFX Board approval of a 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 the Klepzigis 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 

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:

Project: 429-202, Parcel 135
Owner: Orange County, Florida

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

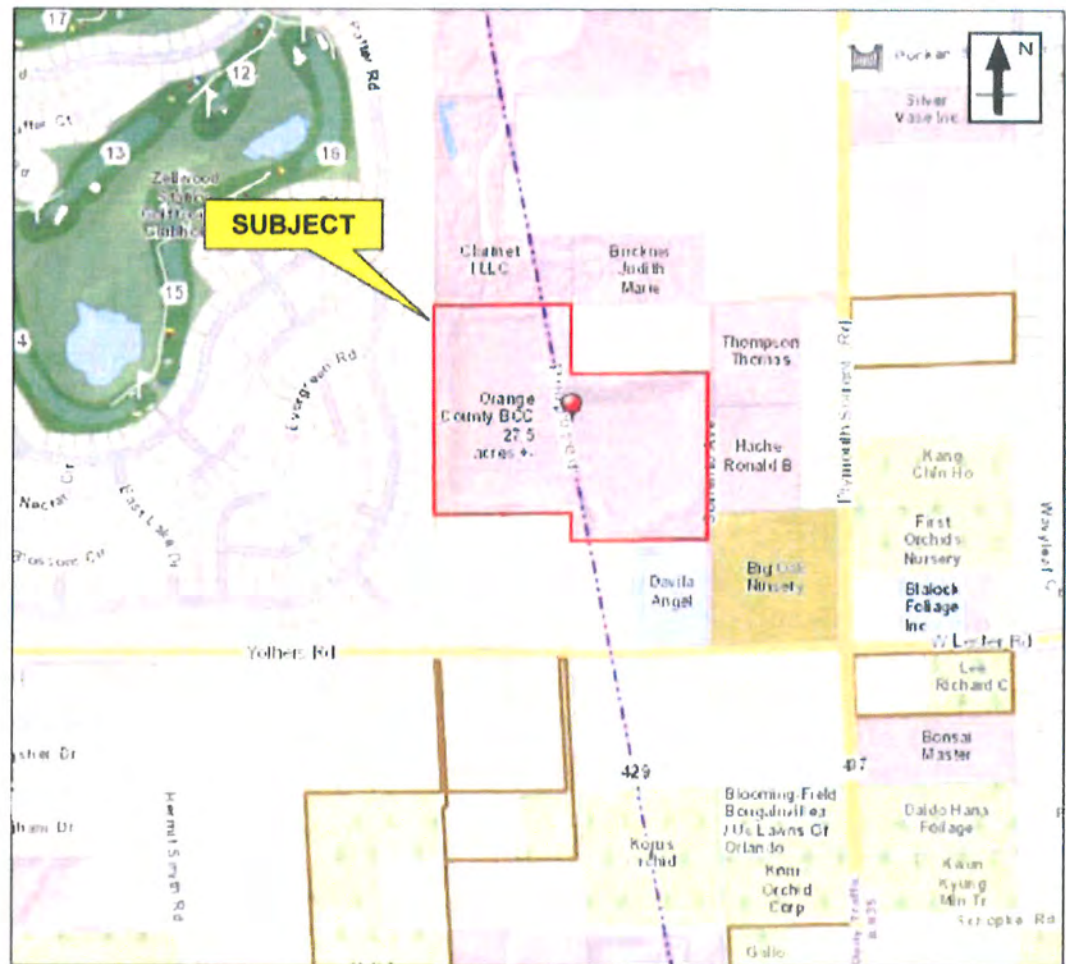
We request the Committee's recommendation for Board approval of an all-inclusive settlement in the amount of \$205,000, resolving all claims for compensation from CFX resulting from the taking of Parcel 135, including severance damages, interest, attorney's fees, expert fees, and costs.

ATTACHMENTS

Tax Map
Aerials and Photographs
Proposed Settlement Agreement

Project: 429-202, Parcel 135
Owner: Orange County, Florida

TAX MAP



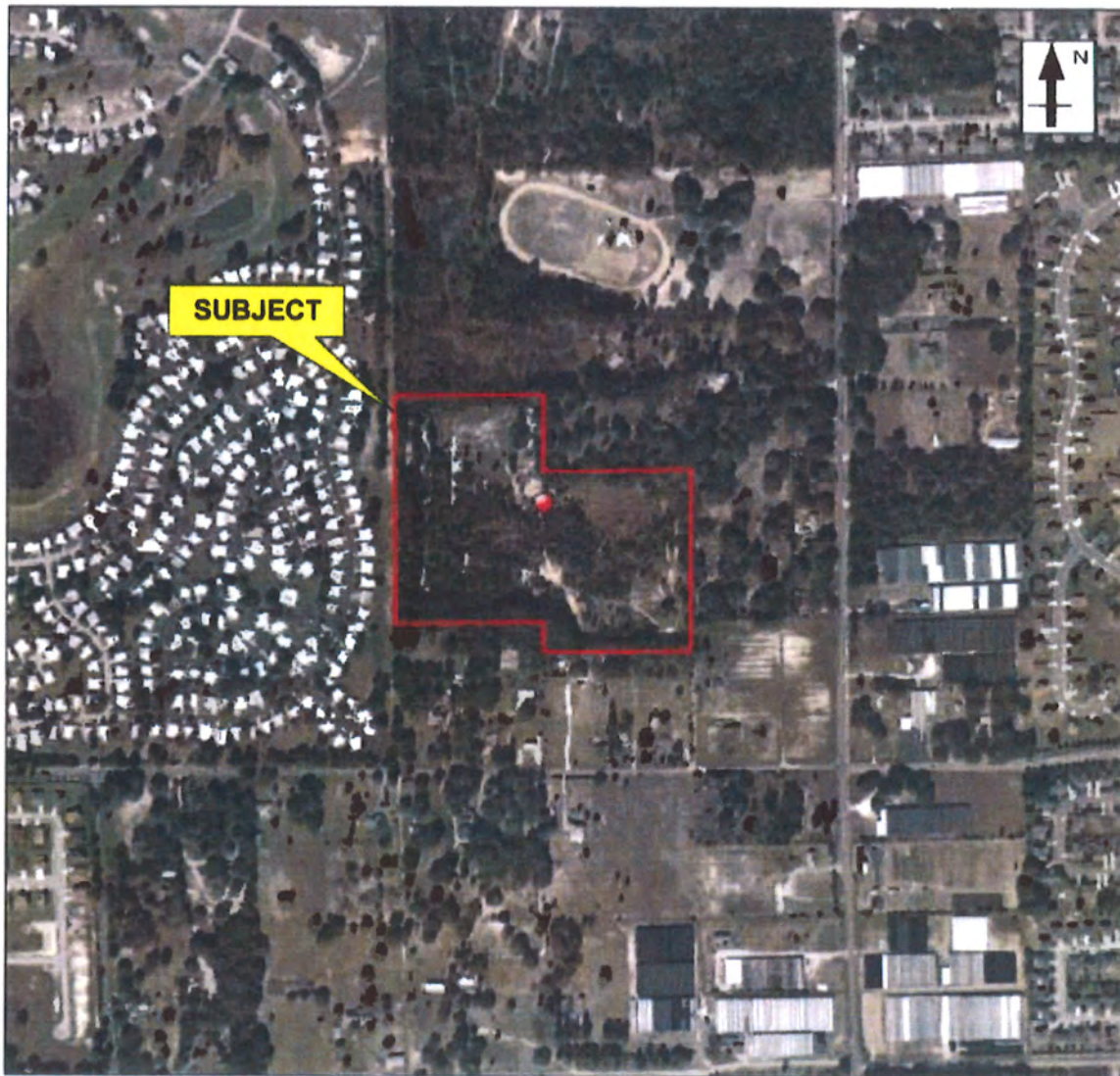
Approximate Representation
Source: Orange County Property Appraiser

Project: 429-202, Parcel 135
Owner: Orange County, Florida

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

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AERIAL PHOTOGRAPH



Approximate Representation
Source: Orange County Property Appraiser

Project: 429-202, Parcel 135
Owner: Orange County, Florida

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

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SUBJECT PHOTOGRAPHS



View of the parent tract facing west from Sorrento Ave



View of the central area of the parent tract facing northwest

Project: 429-202, Parcel 135
Owner: Orange County, Florida

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

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AERIAL PHOTO (ACQUISITION)



Project: 429-202, Parcel 135
Owner: Orange County, Florida

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.

CASE NO. 2014-CA-006812-O

ORANGE COUNTY, FLORIDA, a political
subdivision of the State of Florida; and
SCOTT RANDOLPH, Orange County Tax Collector,

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:

1. 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.

2. 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.

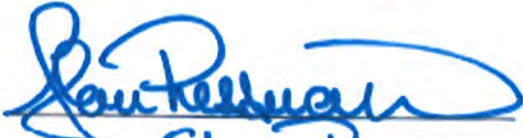
Project: 429-202, Parcel 135
Owner: Orange County, Florida


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.

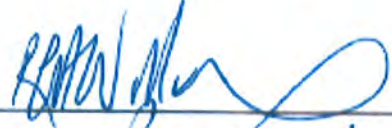
7. This Agreement, effective on the last day executed below, contain(s) all the agreements of the parties.

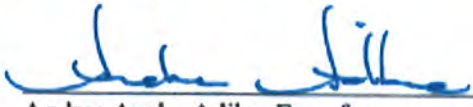
CENTRAL FLORIDA EXPRESSWAY
AUTHORITY


Print Name: Glenn Treasimone
Title: Director of Engineering
Date: 1/30/2017


Linda Brehmer Lanosa, Esq. for
Central Florida Expressway Authority
Date: 1/30/2017

ORANGE COUNTY, FLORIDA


Print Name: RAYMOND L.A. WILLIAMS
Title: MANAGER, Engineering
Date: 1/19/17


Andrea Azuka Adibe, Esq., for
Orange County, Florida
Date: 1/25/17



CENTRAL FLORIDA EXPRESSWAY AUTHORITY

RIGHT OF WAY COMMITTEE MEETING
February 22, 2017

Parcel 135
Proposed Settlement



Aerial of Parcel 135

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

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AERIAL PHOTOGRAPH



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

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AERIAL PHOTO (ACQUISITION)



➤➤➤ Photograph of the Property



View of the parent tract facing west from Sorrento Avenue

➤➤➤ Photograph of the Property



View of the central area of the parent tract facing northwest

»» Photographs of the Property



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

➤➤➤ Photograph of the Property



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



Recommendation

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