

# CENTRAL FLORIDA EXPRESSWAY AUTHORITY

**Agenda**  
**CENTRAL FLORIDA EXPRESSWAY AUTHORITY**  
**RIGHT-OF-WAY COMMITTEE**  
**April 26, 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 – February 22, 2017**

Requesting approval of the 02/22/17 minutes. **Action Item.**

**TAB A**

**4. S.R. 429 (CFX) (PROJECT 604, 200, 200A) & S.R. 414 (PROJECT 210)**

*Deb Keeter, Dewberry*

Requesting the Committee's approval to prepare necessary documents for the Jurisdictional Transfer with the City of Apopka. **Action Item.**

**TAB B**

**5. S.R. 429 (BUCHHEIT) WEKIVA PARKWAY PROJECT (PROJECT 429-205)**

**PARCEL 292** – *David Shontz, Shutts & Bowen*

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

**TAB C**

**6. S.R. 429 (MAHAFFEY) WEKIVA PARKWAY PROJECT (PROJECT 429-205)**

**PARCEL 288** – *David Shontz, Shutts & Bowen*

Requesting the Committee's recommendation for Board approval for service of an Offer of Judgment. **Action Item.**

**TAB D**

**7. S.R. 429 (ANTHONY CARTER) WEKIVA PARKWAY PROJECT (PROJECT 429-204) PARCEL 252** – *David Shontz, Shutts & Bowen*

Requesting the Committee's recommendation for Board approval for service of an Offer of Judgment. **Action Item.**

**TAB E**

**8. S.R. 429 (ARAN CARTER) WEKIVA PARKWAY PROJECT (PROJECT 429-204) PARCEL 253** – *David Shontz, Shutts & Bowen*

Requesting the Committee's recommendation for Board approval for service of an Offer of Judgment. **Action Item.**

**TAB F**

**(CONTINUED ON PAGE 2)**

# CENTRAL FLORIDA EXPRESSWAY AUTHORITY

## Agenda RIGHT-OF-WAY COMMITTEE April 26, 2017 Page 2

9. **S.R. 429 (PONKIN ROAD PROPERTY) WEKIVA PARKWAY PROJECT (PROJECT 429-202) PARCEL 153** – *Trippe Cheek, Winderveedle, Haines, et. al.* **TAB G**  
Requesting the Committee's recommendation for Board approval of the proposed settlement agreement. **Action Item.**
10. **S.R. 429 (DOVER) WEKIVA PARKWAY PROJECT (PROJECT 429-204) PARCEL 250** – *Linda Brehmer Lanosa* **TAB H**  
Requesting the Committee's recommendation for Board approval of the proposed settlement agreement. **Action Item.**
11. **OTHER BUSINESS**
12. **ADJOURNMENT**

This meeting is open to the public.

Section 286.0105, Florida Statutes states that if a person decides to appeal any decision made by a board, agency, or commission with respect to any matter considered at a meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

In accordance with the Americans with Disabilities Act (ADA), if any person with a disability as defined by the ADA needs special accommodation to participate in this proceeding, then not later than two (2) business days prior to the proceeding, he or she should contact the Central Florida Expressway Authority at 407-690-5000.

Persons who require translation services, which are provided at no cost, should contact CFX at (407) 690-5000 x5317 or by email at [Iranetta.dennis@CFXway.com](mailto:Iranetta.dennis@CFXway.com) at least three business days prior to the event.

# Tab A

# CENTRAL FLORIDA EXPRESSWAY AUTHORITY

MINUTES  
CENTRAL FLORIDA EXPRESSWAY AUTHORITY  
Right of Way Committee Meeting  
February 22, 2017  
Location: CFX Boardroom

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Committee Members Present:

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

Committee Members Not Present:

Brendon Dedekind, Citizen Representative  
Sandy Minkoff, Lake County Representative

CFX Staff Present at Dais:

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

**Item 1: CALL TO ORDER**

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

**Item 2: PUBLIC COMMENT**

There was no public comment.

**Item 3: APPROVAL OF MINUTES**

**Action:** A motion was made by Mr. Raymond and seconded by Ms. Botts to approve the January 25, 2017 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. Minkoff were not present.

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**Item 4: S.R. 429 (NGUYEN AND HUYNH) WEKIVA PARKWAY PROJECT (PROJECT 429-204) PARCEL 255**

Ms. Haylee O'Dowd with Winderweedle Haines Ward & Woodman, P.A., represents CFX as Right of Way Legal Counsel. She is requesting the Committee's recommendation for Board approval of the proposed settlement with Khoi Nguyen and Thuynhan Huynh (the "Owners").

Parcel 255 involves the total taking of a 2.435 acre piece of property. The Owners purchased the property in 2005 for \$269,900. The property has 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. 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 estimated the value of the taking of Parcel 255 at \$236,600 (\$95,000 for the land taken and \$141,600 for the improvements).

The Owners are represented by Kent Hipp of Gray Robinson, P.A. The Owners retained the appraisal services of Rick Dreggors with Calhoun, Dreggors & Associates, Inc. Although an appraisal has not been completed, the Owners have submitted the preliminary analysis of Mr. Dreggors. The Owners are seeking \$330,350 as total compensation (\$121,750 for the land and \$208,600 improvement value) plus attorney's fees and expert fees.

The parties reached a proposed settlement in the amount of \$310,000 (\$280,000 compensation to the Owner, \$24,000 attorneys' fees and \$6,000 expert fees).

**Action:** A motion was made by Mr. Murvin and seconded by Mr. Raymond to recommend to the Board approval of the proposed settlement in the amount of \$310,000 in full settlement of all pending matters related to the taking of Parcel 255, including full compensation for the property, attorney's fees and expert fees and costs.

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

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

Ms. Haylee O'Dowd is requesting the Committee's recommendation for Board approval of the proposed settlement with Clifton and Shirley Merrill (the "Owners").

Parcel 158 involves the total taking of 2.558 acres. The Owners purchased the property in 1977, and built and operated a nursery. They rented the single-family home for \$7,200 per year, until the tenant vacated the premises in 2012.

CFX's appraisal of the property was prepared by Chad Durrance with Durrance and Associates. Mr. Durrance opined the value of the taking of Parcel 158 at \$435,000 (\$70,500 for the land taken, \$244,700 for the improvements and \$119,800 for the immovable equipment).

The Owners are represented by Kent Hipp of Gray Robinson, P.A. The Owners retained the appraisal services of Rick Dreggors with Calhoun, Dreggors & Associates, Inc. The Owners have submitted a claim for Special Damages resulting from lost plant inventory suffered as a result of the taking. Mr. Dreggors opined the total compensation for the taking at \$886,900 (\$128,000 for the land, \$558,100 for improvement value, \$130,800 for the immovable equipment and \$70,000 special damages/plant inventory).

This case is set for the July 3, 2017 trial docket. During the mediation on February 2, 2017 the parties reached a settlement in the amount of \$772,250, consisting of \$650,000 compensation to the Owners, subject to apportionment claims, and \$122,250 for attorneys' fees and attorney's costs, and expert fees and expert costs.

**Action:** A motion was made by Mr. Murvin and seconded by Ms. Botts to recommend to the Board approval of the proposed settlement agreement in the amount of \$772,250.00 in full settlement of all pending claims by Shirley Merrill's and S & L Nursery's interest in this case, including attorney's fees and attorney's costs, and expert fees and expert costs and supplemental attorney's fees and costs related to apportionment.

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

**Item 6: S.R. 429 (SIMMONS) WEKIVA PARKWAY PROJECT (PROJECT 429-203) PARCEL 168**

Ms. Brehmer Lanosa presented this item for Ms. Driscoll from Shutts and Bowen, P.A. Ms. Brehmer Lanosa is requesting the Committee's recommendation for Board approval of a negotiated settlement agreement with 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 (the "Klepzig's"), for the acquisition of their Ingress/Egress Easement held over a portion of Parcel 168. The parent tract was owned by Phillip M. Simmons.

Harold Lassman, of the Maguire Lassman Firm is the attorney for the Klepzig's. The Klepzig's 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, the Klepzigs asserted that they had an apportionment claim against the proceeds deposited for the property.

The parties have reached an agreement in the amount of \$2,500.00 which represents \$100.00 for the easement, \$1,400 as full payment for the attorney's fees and attorney's costs, and \$1,000 for expert fees and expert costs.

The Committee asked questions, which were answered by Ms. Keeter from Dewberry and Ms. Lanosa.

**Action:** A motion was made by Mr. Raymond and seconded by Mr. Newton to recommend to the Board approval of the proposed settlement agreement in the amount of \$2,500.00, in full settlement of all compensation for all claims asserted by Klepzig including attorney's fees and attorney's costs and expert fees and expert costs for the taking of Parcel 186.

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

**Item 7: S.R. 429 (ORANGE COUNTY FLORIDA) WEKIVA PARKWAY PROJECT (PROJECT 429-202)**  
**PARCEL 135**

Mr. Babcock asked if he should exclude himself from voting on this matter as an Orange County Employee. Ms. Brehmer Lanosa explained that since he has no personal interest in this matter and will not personally benefit, there was no conflict of interest and therefore he was able to vote on this item.

Ms. Brehmer Lanosa explained to the Committee that Parcel 135 is an 8.334 acre taking from a 27.391 acre parent tract that Orange County acquired in 1964 and formally used as a clay pit. The taking bisects the property. The east and west remainders are 8.772 and 10.285 acres. Ms. Brehmer Lanosa displayed the tax map, aerials and photographs of the property in a PowerPoint Presentation.

CFX's appraisal of the property was prepared by Walter Carpenter with Pinel & Carpenter. Mr. Carpenter estimated the value of the taking of Parcel 135 at \$125,000 (\$100,000 for the land taken and \$25,000 for severance damages).

After reviewing the appraisal report and the access, Orange County staff offered to settle this matter for the all-inclusive amount of \$205,000 (\$166,680 for the land taken and \$38,114 for severance damages).

**Action:** A motion was made by Ms. Botts and seconded by Mr. Newton to recommend to the Board approval of the proposed settlement agreement in the amount of \$205,000, resolving all claims for compensation including severance damages, interest, attorney's fees and 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. Minkoff were not present.

**Item 8: OTHER BUSINESS**

No other business was discussed.

**Item 9: ADJOURNMENT**

Chairman Babcock adjourned the meeting at approximately 2:30 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](mailto:publicrecords@CFXWay.com) or 4974 ORL Tower Road, Orlando, FL 32807.*



# Tab B

**MEMORANDUM**

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

**FROM:** Deborah D. Keeter   
Dewberry

**DATE:** April 12, 2017

**Re:** Central Florida Expressway Authority  
Disposition of Property  
SR 429, Projects 604, 200, 200A  
SR 414, Project 210  
Jurisdictional Transfer with City of Apopka

**Introduction:**

To enable CFX to construct the above designated projects, CFX relocated local roadways, widened located roadways to provide for turn lanes, etc, at interchanges, and lowered roadways to enable CFX to bridge over, and constructed retention ponds to service the relocated, widened and lowered local roadways, all to facilitate and support the CFX system.

CFX and the City of Apopka would like to transfer these portions of road right of way, and ponds to the City of Apopka, subject to easements for bridge crossings of City Roads, and City of Apopka transfer certain right of way parcels to CFX.

Dewberry, CFX General Engineering Consultant, has reviewed the plans as well as the legal descriptions and has opined that conveyance to the City, subject to reversion (at no cost) should the property cease to be used as public right-of-way, and reserving easements as necessary for maintenance of the CFX bridges over the City roads, will not detrimentally affect the Expressway System.

The City would assume any liability and maintenance costs subsequent to the conveyance for the roadways and ponds conveyed.

**Recommendation:**

We believe that it would be in CFX's best interest to proceed with the transfer/exchange and request permission from the Committee to prepare the necessary documentation for your review and consideration at next month's Committee meeting.

**Attachments:**

Exhibit  
Draft GEC letter

April \_\_, 2017

**DRAFT**

Joseph A. Berenis, P.E.  
Chief of Infrastructure  
Central Florida Expressway Authority  
4974 ORL Tower Rd.  
Orlando, FL 32807

Re: Disposition of Property  
SR 429, Projects 604, 200, 200A  
SR 414, Project 210  
Jurisdictional Transfer with City of Apopka

Dear Mr. Berenis:

We have reviewed the limits of the parcels depicted on the attached exhibits, along with the plans for the various projects. In our opinion the disposition of these parcels to the City of Apopka, as road right of way and appurtenant ponds, (subject to reversion should the City abandon the property) are not essential for the operation of the Expressway System and would not impede or restrict the current or future operation by the Central Florida Expressway Authority (CFX) of the Expressway System.

Sincerely,

R. Keith Jackson, P.E.  
GEC Program Manager

c: Laura Kelley, Executive Director  
Joseph Passiatore, General Counsel  
Linda Brehmer Lanosa, Deputy General Counsel  
Glenn Pressimone, Director of Engineering.

Attachment









REVISIONS				DEWBERRY ENGINEERS INC. 800 NORTH MAGNOLIA AVENUE SUITE 1000 ORLANDO, FL 32801	CENTRAL FLORIDA EXPRESSWAY AUTHORITY  RIGHT-OF-WAY	CENTRAL FLORIDA EXPRESSWAY AUTHORITY	SR 414 AT CORAL HILLS	SHEET NO.
DATE	DESCRIPTION	DATE	DESCRIPTION					

\$USERS

\$DATES

\$TIMES

\$FILES



# Tab C



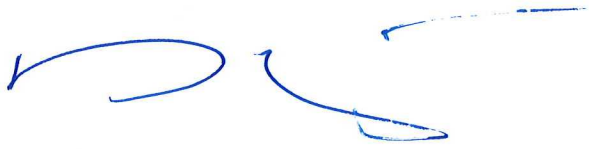
## MEMORANDUM

TO: Central Florida Expressway Authority      CLIENT-MATTER NO.: 19125.0164  
Right-of-Way Committee Members

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

DATE: April 11, 2017

RE: State Road 429 Wekiva Parkway, Project 429-205; Parcel 292  
Proposed Settlement Including Fees and Costs

A handwritten signature in blue ink, appearing to read "D. Shontz", is written over the "FROM" line and extends into the right margin.

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Shutts & Bowen LLP, Right-of-Way Counsel, seeks the approval by the CFX Board of a negotiated settlement between Kimberly Buchheit, (the "Owner") and the Central Florida Expressway Authority (the "CFX") for the acquisition of Parcel 292 (the "Taking" or "Property") for the construction of State Road 429 Wekiva Parkway, Project 429-205.

### DESCRIPTION AND BACKGROUND

Parcel 292 is a fee simple taking of the southern 5.127 acres for use as limited access right-of-way, from a parent tract of 19.409 acres, leaving a remainder of 14.282 acres. The property is located at the southern terminus of Swain Road, approximately one mile south of Adair Avenue and 1.5 miles east of Plymouth Sorrento Road, in the City of Apopka, Orange County, Florida.

Within the area of taking, is a site-built 624 sf single family residence, recently renovated to be energy efficient and resulting in a lower effective age, with a detached one-car garage/utility room. Also in the area of taking is a 3-bedroom, 2-bath manufactured home containing 1,520 sf, a detached aluminum carport, two wooden decks and a handicap accessible ramp; a modular office/residential building containing approximately 854 sf of living area with 1-bedroom, 1-bath, and which includes a portion utilized as office space and two exterior wood decks to provide access to the building. A private well feeds a distribution line to the buildings, and separate septic systems and satellite television dishes serve each of the three primary structures. In addition, a gazebo, outdoor shower and wood stage for outdoor entertainment are located near the manufactured and modular buildings. A greenhouse structure without covering, storage sheds, containers, above ground pool, concrete sidewalk, concrete ramp, three-board fencing, gates and two grids of 12-250 watt solar panels complete the improvements within the area of taking. The solar panels provide electricity for the site, with excess generated electricity



sold to Duke Energy. The southeast and northwest areas of the property are reportedly used for growing certified organic vegetables.

The property has been annexed into the City of Apopka, but retains the Orange County A-1, Citrus Rural zoning district. The Future Land Use Designation is R – Rural/Agricultural by Orange County.

The CFX's appraisal of the property was prepared by Chad Durrance of Durrance & Associates. Mr. Durrance opined the highest and best use of the property is for residential use. Mr. Durrance used 8 comparable vacant land sales located in the West Orange County/Southern Lake County market, ranging in price from \$21,600 to \$29,300 per acre. Mr. Durrance opined the price per acre value of the Subject Property to be \$27,500. Additionally, Mr. Durrance used four improved single-family home sales to estimate the contributory value of the Subject's primary residence and related improvements. The indicated price per square foot of living area for these improved sales was \$78 to \$108. Mr. Durrance opined the contributory value of the improvements located in the southern area of the property, including the primary residence and associated site improvements proximate to the residence, including the private well and water distribution lines, detached carport, greenhouse structure, storage sheds, containers, above ground pool, concrete sidewalk/ramp, brick pavers, fencing/gate and the two grids of solar panels, at \$120,000.

Mr. Durrance based his estimate of the contributory value of the manufactured home and modular building upon six sales of similar improvements ranging in price from \$17 to \$40 per square foot as well as NADA Guides which estimates the value of the subject manufactured home, excluding ancillary site improvements at between \$23,000 and \$25,500. Upon consideration of all these factors, Mr. Durrance opined the contributory value of the improvements situated in the central area of the property, including the manufactured home and modular office/residence to be \$75,000.

Because the parent tract contains nearly 20 acres of land and the combined size of the three residences contains nearly 3,000 sf of living area, Mr. Durrance also researched and considered larger acreage sales with residential improvements in the valuation of the Subject Property. Based upon consideration of the variety of factors herein cited, Mr. Durrance concluded the total property value to be \$729,000, including \$534,000 for land, \$120,000 for the primary residence and related improvements, and \$75,000 for the manufactured/modular residence improvements.

After the taking, the size of the land is 14.282 acres, representing a reduction of about 26% to the original parent tract. The remainder will have about 662 feet of frontage along the Wekiva Parkway with a depth ranging between 935 to 945 feet. The remainder will be improved with the manufactured home and modular building and related improvements; however, the well, related water distribution lines and southern boundary fencing are eliminated by the taking. Additionally, the site-built home will be impacted and will require demolition and removal. The manufactured home will be setback 131 feet from the limited-access right-of-way and 255 feet from the edge of pavement, while the modular building will be setback 175 feet from the right-of-way and 299 feet from the edge of the pavement of the Wekiva Parkway. The Parkway will be constructed about 15 feet above existing grade at the west end of the property and 22.5 feet above grade at the east end of the property.



The CFX expert engineer, Lee Moree of Landon, Moree & Associates has provided site modifications/cure options. The cure demolishes the severed wood deck/concrete ramp, clears and grades a building pad and relocates the site-built residence, septic system, carport, solar panels, shed, pool and stage to the west of the manufactured home and modular building. This cure also relocates the greenhouse structure, storage containers, brick pavers and shed along the southern property boundary, and replaces the well, main water distribution line, and re-establishes the perimeter fencing. The cost of this cure is \$140,400, and essentially relocates or replaces all of the improvements within the area of acquisition onto the remainder.

As to valuation of the taking, Mr. Durrance opines the fair market value to be **\$338,100**, consisting of \$141,000 for land (5.127 acres at \$27,500/acre), \$120,000 for improvements taken, and \$77,100 for damages and the cost to cure.

Richard Dreggors of Calhoun, Dreggors & Associates appraised the property on behalf of the Respondent, Kimberly Buchheit. Mr. Dreggors indicates his belief, based upon a land planning analysis of the property by James Hall of VHB, that the Subject Property would receive a land use designation of Rural Settlement by the City of Apopka, allowing a higher intensity development at one dwelling per acre, and the opportunity for cluster development if the site meets certain open space requirements. This opinion differs substantially from Mr. Durrance's reliance upon current zoning which allows only one home per 10 acres. Development at higher densities would likely require connection to City water and sewer systems, although development at lower densities may allow connection to the central water system and use of septic systems as an alternative. Mr. Dreggors also notes it may be possible for the owner to assemble her property with adjoining properties would allow access to Mt. Plymouth and Haas Roads to create a total area of approximately 263 acres. Thus Mr. Dreggors' highest and best use "as vacant" is for use as a rural residential site with densities of one dwelling per acre or assemblage with adjoining properties, which still will have densities of one dwelling per acre. Mr. Dreggors' highest and best use "as improved" is the ultimate demolition of the existing improvements, but with continued use of the existing improvements for the interim until the property is redeveloped to support a low density single family use.

Using the highest and best use of assemblage for a future single family residential use, Mr. Dreggors' used sales of six (6) similar residentially oriented tracts of vacant land in Orange and Lake Counties to provide a comparison for the Subject Property. These sales indicated a price per acre ranging between \$41,483 and \$72,172. Mr. Dreggors opines the value of the Subject Property is \$50,000 per acre, resulting in a total value for the land of \$970,500.

To value the interim use of the single family residence, manufactured home and modular home, Mr. Dreggors analyzed the rental income value of four (4) comparable properties for manufactured homes, ranging from \$900 to \$1,200 per month. The rental income value of five (5) comparable properties with single family homes ranged between \$600 and \$875 per month, and for the modular home four (4) comparables were utilized with values ranging between \$650 and \$975 per month. Mr. Dreggors concluded the interim rental of the manufactured home would be valued at \$950 per month or \$11,400 per year; for the single family home \$850 per month or \$10,200 per year; and for the modular home \$700 per month or \$8,400 per year for a total gross rental value of the three homes of \$30,000 per year. Based upon reproduction costs of the additional site improvements, including the solar panels, storage containers, greenhouse, etc., Barefoot Brothers Construction provided a reproduction cost of \$37,300. To demolish the

improvements at the end of the interim use period, Barefoot Brothers Construction estimated the cost at \$10,000, resulting in a net value, after consideration of demolition costs, of \$68,000 for the interim value of the improvements (\$78,000 - \$10,000). Thus, Mr. Dreggors values the property in the before condition at \$1,038,500, consisting of land at \$970,500, and improvements at \$68,000.

Mr. Dreggors agrees with Mr. Durrance the taking reduces the size of the property by 26% and that the remainder will be adjacent to an expressway with elevations of between 17 feet to 25.5 feet. Mr. Dreggors also notes there will be a 31.5 ft tall overhead sign constructed over the Parkway travel lanes adjacent to the remainder. According to engineering calculations by Bill Tipton, Jr. based upon a review of the construction plans, a 5-foot wide ditch with a 3:1 slope will come down from the elevated expressway. Mr. Tipton opines the lack of a ditch from east of Station 466+00 to Station 468+00 will cause runoff to flow onto the remainder property. Thus Mr. Dreggors opines the negative effects that the taking has on the remainder property are: (1) substantial loss of development potential; (2) drainage issues; and (3) location adjacent to an elevated expressway.

The possible assemblage of the Subject Property with the adjoining Rockwood Groves could have allowed the possibility of a residential development at one unit per acre. With the acquisition of Rockwood Groves for construction of the Wekiva Parkway, such assemblage could not occur, making the residential development of the Subject Property at the rate of one dwelling per 10 acres.

Mr. Dreggors compared vacant land sales of 3.04 acres to 10.88 acres and with prices per acre ranging from \$23,000 to \$49,342, concluding the value of the Subject Property is \$40,000 per acre. Mr. Dreggors estimates the negative impact to the remainder property by the elevated expressway at 40%, resulting in a remainder value of \$24,000 per acre or \$342,700.

Mr. Tipton has provided a cure plan which includes demolishing the remainder improvements associated with the single family home, installing a new well to service the remaining improvements, reestablish fencing, install oak trees and modify/reestablished the irrigation system. Barefoot Brothers Construction provided a cost bid for the cure. Including a 20% coordination fee added to the replacement cost new of the items, less the cost of the items paid for in the taking, the total net cost to cure is \$87,000. Thus, Mr. Dreggors opines the value of the remainder property as \$268,300, consisting of land in interim value of improvements at \$355,300, less cure costs of \$87,000.

Mr. Dreggors opined the fair market value for the taking is **\$770,100**, consisting of \$256,400 for land (5.127 acres at \$50,000 per acre), improvements taken at \$37,300, and damages of \$476,400.

Ms. Buchheit operates Wise Acre Farm, LLC ("Wise Acre Farm") on the subject property. Due to the taking, she has advised it is impractical to use the remainder for the Wise Acre Farm business operations going forward. The property taken is the highest, flattest and best part of the site for facilities and operations. The topography of the reminder makes it far less suited for the necessary facilities. Accordingly, Ms. Buchheit asserted a business damage claim in the amount of **\$56,275**.

Ms. Buchheit is represented by Edgar Lopez of Harris Harris Bauerle Ziegler Lopez, P.A. Mr. Lopez retained Richard Dreggors to prepare the real estate appraisal, with assistance provided by James Hall of VHB for planning issues, William Tipton, Jr. of Tipton Associates for engineering and potential cure issues, and Barefoot Brothers Construction, LLC for cost estimates. Mr. Lopez presented experts' invoices totaling **\$69,710.27**. After numerous mediation conferences which included Ms. Buchheit's rejection of the amount and the method CFX used to determine the Replacement Housing Payment, we were able to settle this parcel for an all-inclusive settlement of **\$699,990**, including Ms. Buchheit's Written Statement regarding entitlement to the replacement housing purchase additive which is attached hereto and incorporated herein by reference, all statutory interest, all claims related to real estate and business damages, severance damages, tort damages, attorney's fees and litigation costs, expert witness fees, and costs, but subject to apportionment claims, if any, of any party claiming an interest in or a lien on the subject property.

For the above-cited reasons, Right-of-Way counsel requests a recommendation for approval of the mediated all-inclusive settlement in the amount of \$699,990, which is in the CFX's best interest. 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 condemnation action to acquire Parcel 292.

### **RECOMMENDATION**

We respectfully request that the Right-of-Way Committee recommend to the CFX Board the proposed mediated settlement totaling \$699,990 in full settlement of all claims for compensation in the acquisition of Parcel 292, including all attorney's fees, expert's fees, and costs.

### **ATTACHMENTS**

- Exhibit "A" – Sketch of the Subject Property
- Exhibit "B" – Photographs of the Subject Property and Area
- Exhibit "C" – Mediated Settlement Agreement
- Exhibit "D" – Respondent's Experts' Fees Invoices



ORLANDO ORANGE COUNTY  
EXPRESSWAY AUTHORITY  
STATE ROAD 429  
PROJECT NO. 429-205

PARCEL NO. 292  
PURPOSE: LIMITED ACCESS RIGHT OF WAY  
ESTATE: FEE SIMPLE

### LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND LYING IN SECTION 5, TOWNSHIP 20 SOUTH, RANGE 28 EAST, ORANGE COUNTY, FLORIDA; BEING A PORTION OF THE EAST 1/2 OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 5 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE SOUTHWEST 1/4 OF SECTION 5, TOWNSHIP 20 SOUTH, RANGE 28 EAST, ORANGE COUNTY, FLORIDA, BEING A FOUND 6"X6" BROKEN CONCRETE MONUMENT WITH A 3/4" IRON PIPE, NO IDENTIFICATION; THENCE NORTH 88°13'25" EAST ALONG THE NORTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 5, A DISTANCE OF 2647.84 FEET TO THE NORTHEAST CORNER OF THE SOUTHWEST 1/4 OF SAID SECTION 5, BEING A FOUND 1/2" IRON ROD, NO IDENTIFICATION; THENCE DEPARTING SAID NORTH LINE, RUN SOUTH 03°29'28" EAST ALONG THE EAST LINE OF THE EAST 1/2 OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 5, A DISTANCE OF 945.17 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 03°29'28" EAST ALONG SAID EAST LINE, A DISTANCE OF 338.57 FEET TO THE SOUTHEAST CORNER OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 5; THENCE DEPARTING SAID EAST LINE, RUN SOUTH 89°14'21" WEST ALONG THE SOUTH LINE OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 5, A DISTANCE OF 662.13 FEET TO A POINT ON THE WEST LINE OF THE EAST 1/2 OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 5; THENCE DEPARTING SAID SOUTH LINE, RUN NORTH 03°30'38" WEST ALONG SAID WEST LINE, A DISTANCE OF 336.69 FEET TO A POINT; THENCE DEPARTING SAID WEST LINE, RUN NORTH 89°04'36" EAST, A DISTANCE OF 662.16 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 5.127 ACRES, MORE OR LESS.

SEE SHEET 2 FOR SKETCH OF DESCRIPTION  
SEE SHEET 3 FOR GENERAL NOTES AND LEGEND

SHEET 1 OF 3

FOR: ORLANDO-ORANGE COUNTY  
EXPRESSWAY AUTHORITY

DATE: APRIL 18, 2013

PROJECT NO.: P04-04

DRAWN: DPW CHECKED: JMS

**STATE ROAD 429**  
**OOCEA PROJECT NO. 429-205**  
**PARCEL NO. 292**



GEODATA CONSULTANTS, INC.

SURVEYING & MAPPING

1349 S. INTERNATIONAL PARKWAY

SUITE 2401

LAKE MARY, FLORIDA 32746

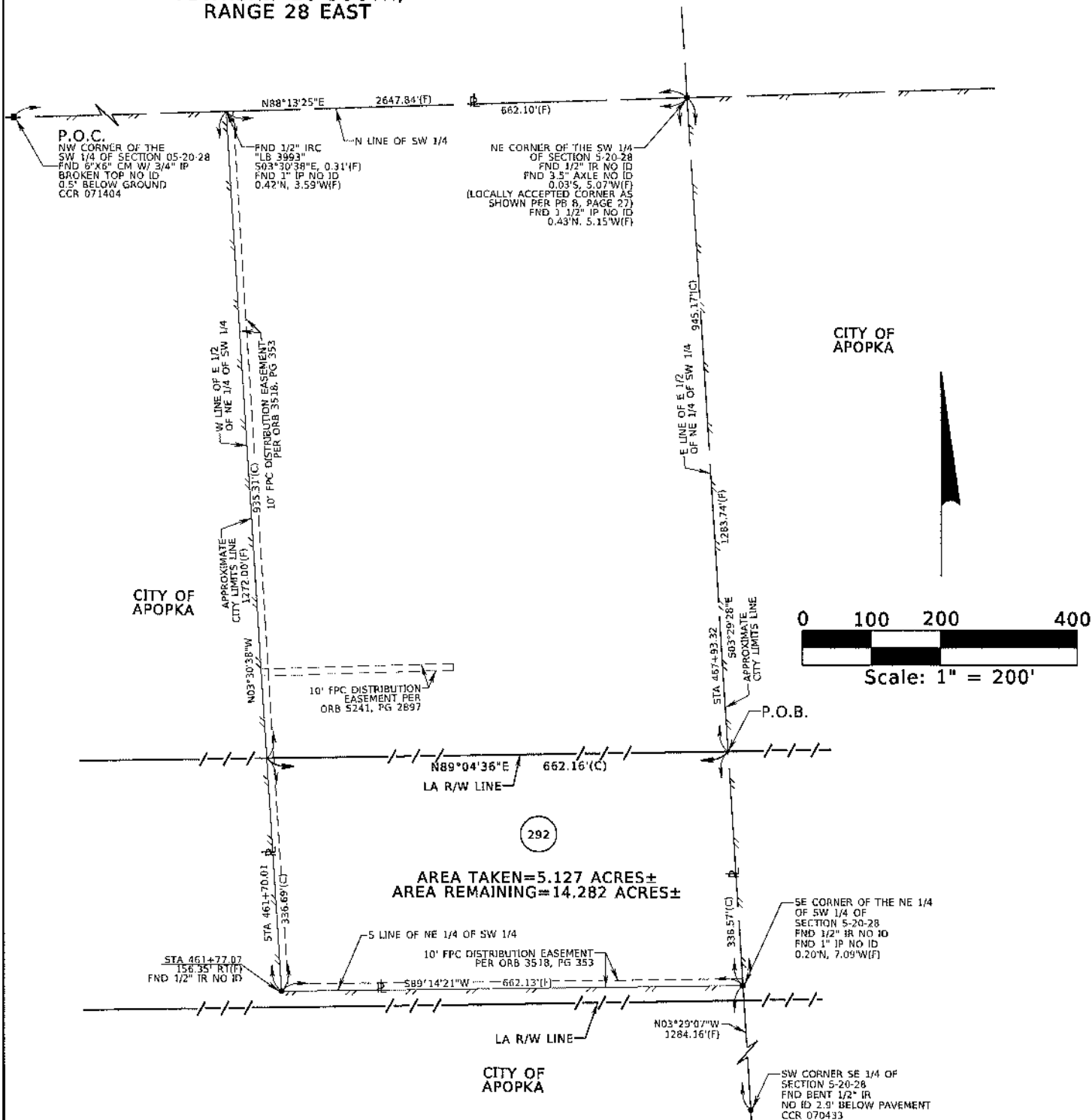
VOICE: (407) 732-6965 FAX: (407) 878-0841  
LAND SURVEYOR BUSINESS LICENSE NO. 6556

**EXHIBIT "A"**



# SKETCH OF DESCRIPTION

## SECTION 5, TOWNSHIP 20 SOUTH, RANGE 28 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: APRIL 18, 2013

PROJECT NO.: P04-04

DRAWN: DPW CHECKED: JMS

STATE ROAD 429  
OOCEA PROJECT NO. 429-205  
PARCEL NO. 292



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## SKETCH OF DESCRIPTION

### LEGEND AND ABBREVIATIONS

(C) = CALCULATED  
CM = CONCRETE MONUMENT  
(F) = FIELD  
CCR = CERTIFIED CORNER RECORD  
FPC = FLORIDA POWER CORPORATION  
FND = FOUND  
ID = IDENTIFICATION  
IP = IRON PIPE  
IR = IRON ROD  
IRC = IRON ROD AND CAP  
LA = LIMITED ACCESS

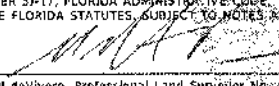

NO. = NUMBER  
ORB = OFFICIAL RECORDS BOOK  
OOCEA = ORLANDO-ORANGE COUNTY EXPRESSWAY AUTHORITY  
PL = PROPERTY LINE  
PG = PAGE  
PB = PLAT BOOK  
P.O.B. = POINT OF BEGINNING  
P.O.C. = POINT OF COMMENCEMENT  
RT = RIGHT  
R/W = RIGHT OF WAY  
STA = STATION  
W/ = WITH

### 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 EAST LINE OF THE EAST 1/2 OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 05, TOWNSHIP 20 SOUTH, RANGE 28 EAST, HAVING A BEARING OF SOUTH 03°29'28" EAST.
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 NOVEMBER 30, 2012, FILE NO. 2037-2864631, 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.

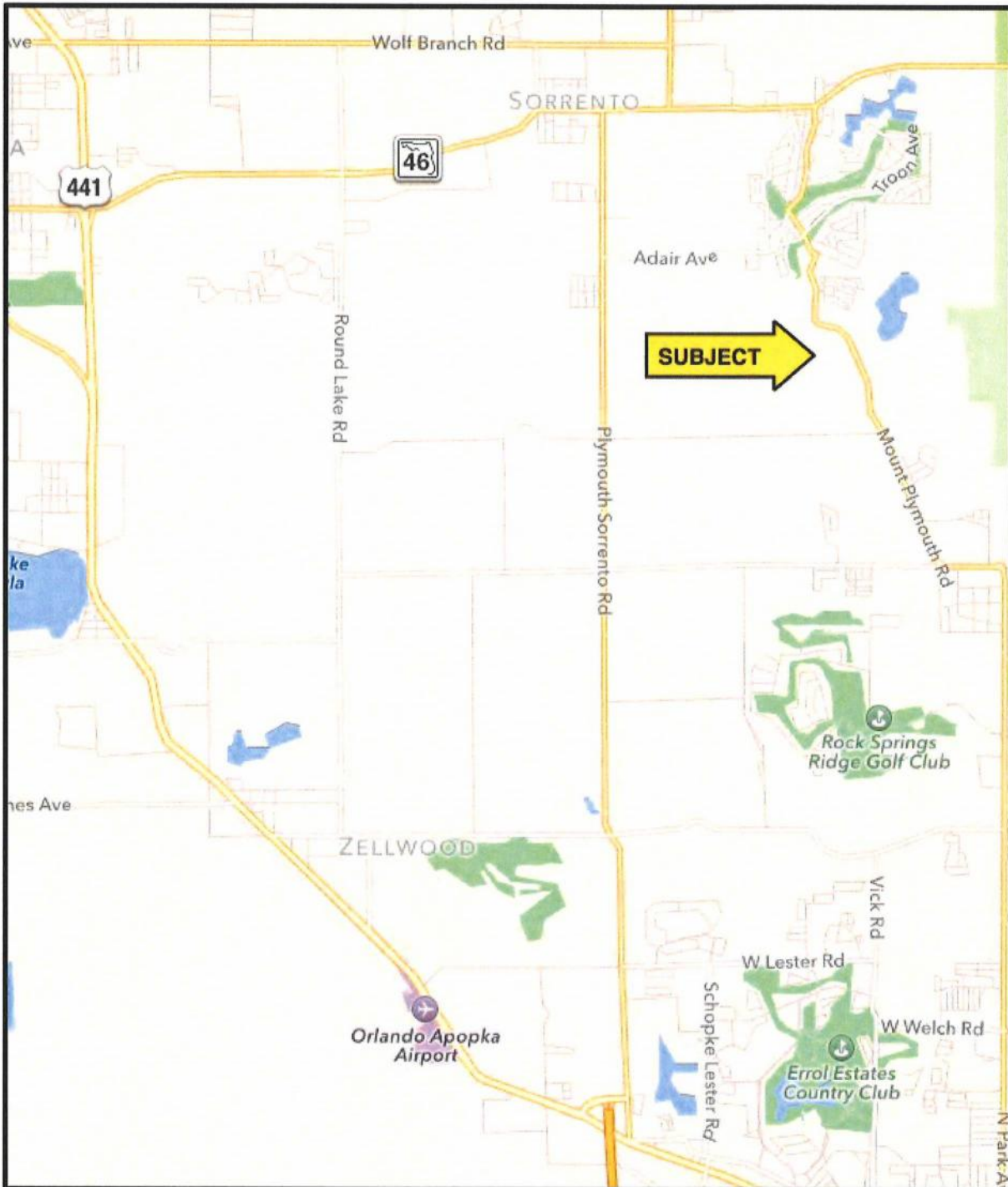
SEE SHEET 1 FOR LEGAL DESCRIPTION  
SEE SHEET 2 FOR SKETCH OF DESCRIPTION

SHEET 3 OF 3

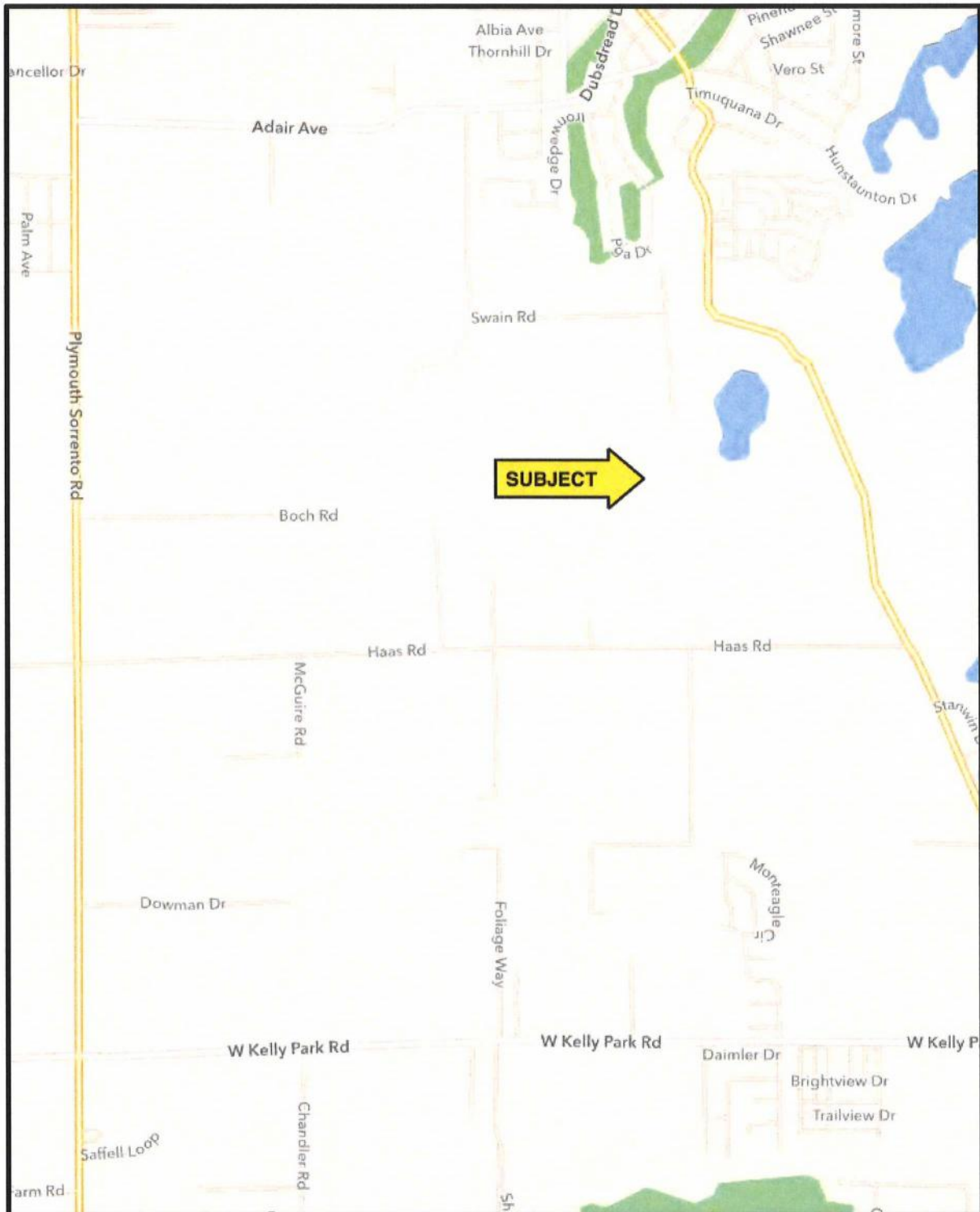
REVISED PER COMMENTS	DPW	03/11/2014	<small>I HEREBY CERTIFY THAT THIS LEGAL DESCRIPTION AND SKETCH IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. I FURTHER CERTIFY THAT THIS LEGAL DESCRIPTION AND SKETCH MEETS THE MINIMUM TECHNICAL STANDARDS AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5A-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO CHAPTER 472 OF THE FLORIDA STATUTES, SUBJECT TO NOTES AND NOTATIONS SHOWN HEREON.</small>  H. Paul DeVivaro, Professional Land Surveyor No. 4990 DATE 3/11-14	
REVISED PROPOSED LA R/W LINE	DPW	02/06/2014		
REVISED PER COMMENTS	DPW	05/23/2013		
REVISION	BY	DATE		
FOR: ORLANDO-ORANGE COUNTY EXPRESSWAY AUTHORITY DATE: APRIL 18, 2013 PROJECT NO.: P04-04 DRAWN: DPW CHECKED: JMS			STATE ROAD 429 OOCEA PROJECT NO. 429-205 PARCEL NO. 292	 <b>GEODATA CONSULTANTS, INC.</b> SURVEYING & MAPPING 1349 S. INTERNATIONAL PARKWAY SUITE 2401 LAKE MARY, FLORIDA 32746 VOICE: (407) 732-6965 FAX: (407) 878-0841 LAND SURVEYOR BUSINESS LICENSE NO. 6556

The proposed design of the Wekiva Parkway improvements in the area of the subject property is shown below.





## **GENERAL LOCATION MAP**



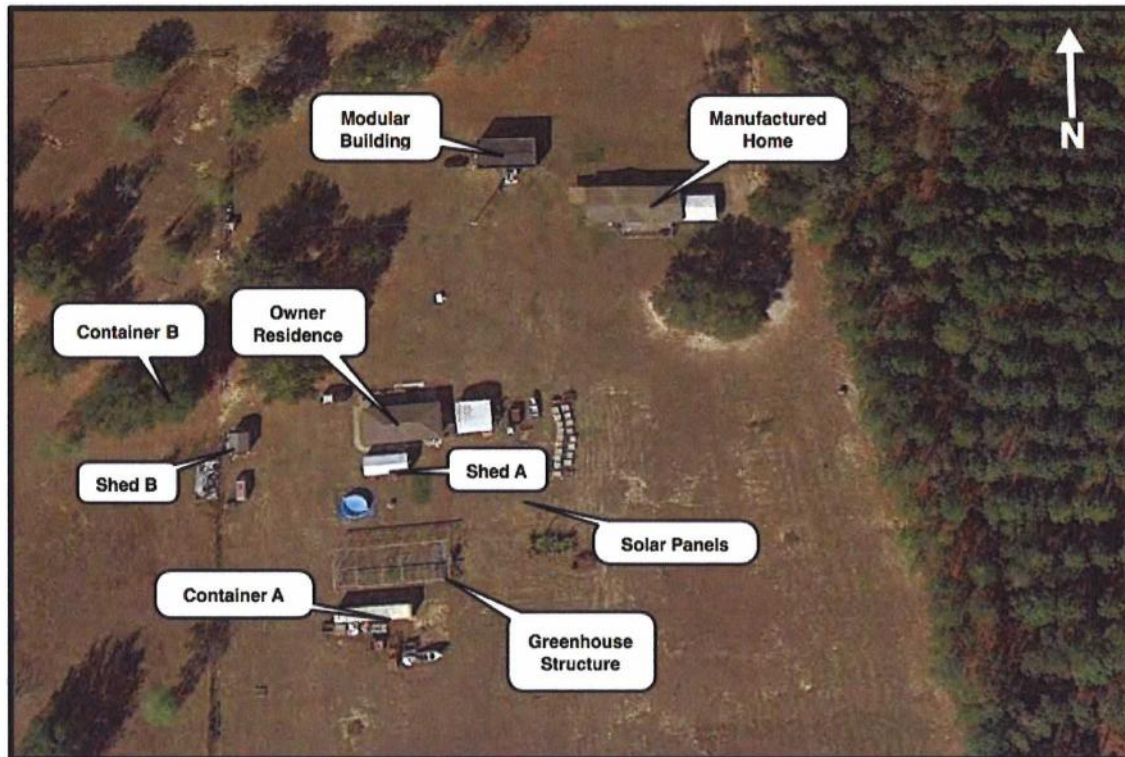
## **LOCATION MAP**





## **JURISDICTION OF SUBJECT AREA**





Northerly aerial view identifying the subject improvements. (Photo #1)



Northerly view of manufactured home (right) and modular building (left). (Photo #2)



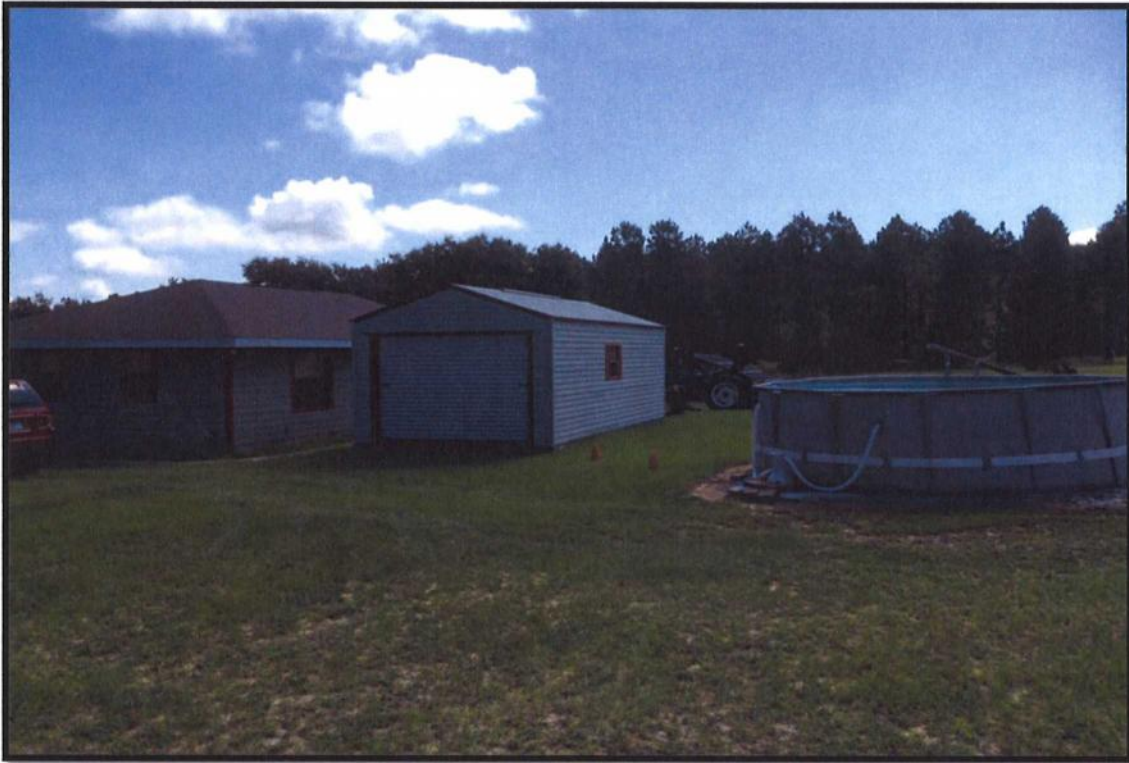


Southerly view of owner occupied home. (Photo #3)



View of Shed B and Container B (see aerial p.14). (Photo #4)





View of Shed A and above ground pool located south of the owner occupied home. (Photo #5)

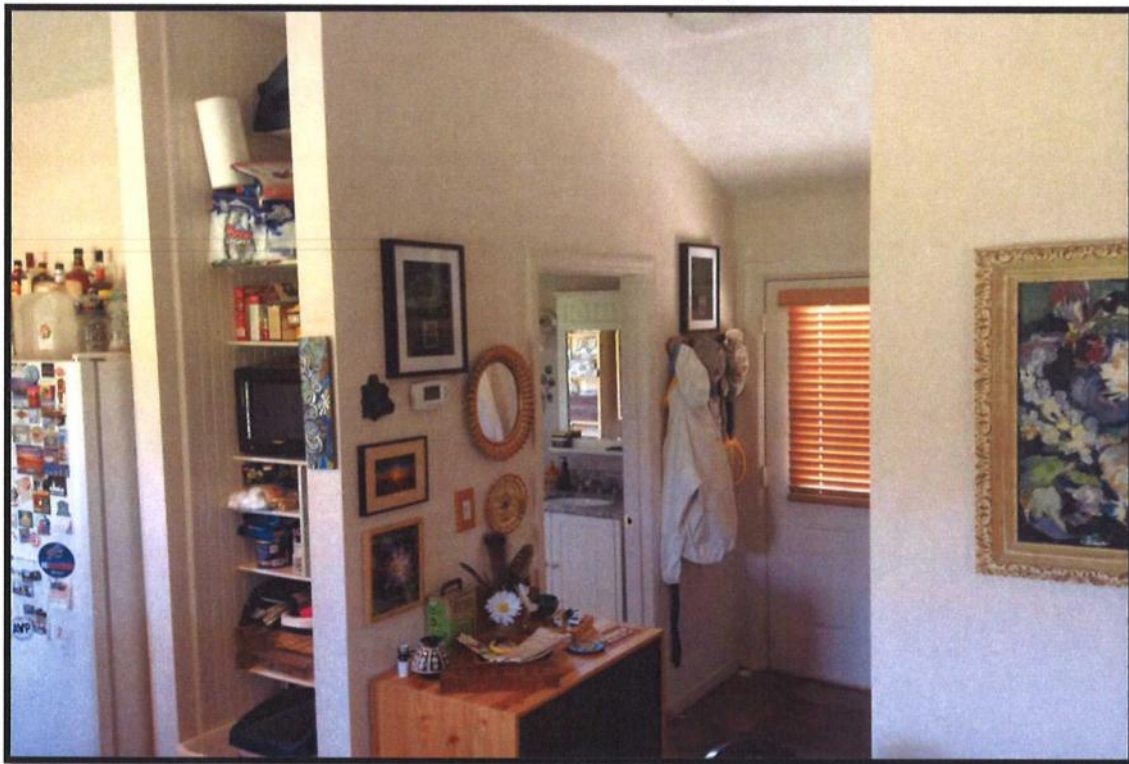


Southerly view of Container A and greenhouse structure (see aerial p.14). (Photo #6)





Interior view of modular building. (Photo #7)



Interior view of owner occupied home. (Photo #8)

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: 2015-CA-006071-0

Subdivision 39

Petitioner,

Parcel 292

vs.

Kimberly A. Buchheit,  
Wise Acre Farm, LLC, et. al.

Respondent(s).

**MEDIATED SETTLEMENT AGREEMENT**

At the Mediation Conference held on February 8, 2017,  
Respondent(s) Kimberly A. Buchheit and Wise Acre Farm LLC and  
representatives of the Central Florida Expressway Authority reached the following Settlement  
Agreement:

1. Petitioner will pay to Respondent(s), Kimberly A. Buchheit and  
Wise Acre Farm, LLC  
(referred to as "Respondent") the sum of Six Hundred Ninety-Nine Thousand  
Nine Hundred Ninety Dollars Dollars  
exactly (\$699,990.00), in full settlement of all claims for compensation from Petitioner  
whatsoever for the taking of Parcel 292, 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 Thirty-Eight Thousand One Hundred  
Dollars (\$338,100.00). Within thirty days (30) days from the date of receipt by  
Petitioner's counsel of a conformed copy of the Stipulated Final Judgment, Petitioner will pay to  
Respondent, by deposit in the Registry of the Court, the sum of Three Hundred  
Sixty-One Thousand Eight Hundred Ninety Dollars Dollars  
exactly (\$361,890.00), 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  
conditioned upon final approval by the ROW Committee and then the CFX Board.

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 compensation arising from the taking of Parcel 292, severance damages, business damages, tort damages, interest, attorney's fees, attorney's costs, expert fees, expert costs, and any other claim.

7. This Settlement Agreement, executed by the parties and their counsel on this 8th day of February, 2018, contains all the agreements of the parties. 7 and the Written Statement regarding Appendix A to 49 C.F.R. Part 24, attached hereto

Linda S. B. Lanosa 3/16/17

Print Name: Linda B. Lanosa  
Central Florida Expressway Authority

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

Print Name: David Shontz  
Counsel for CFX

Print Name: KIMBERLY A. BUCHHEIT  
Owner

Print Name: \_\_\_\_\_  
Mediator

Print Name: Edgar Lopez  
Attorney for Owner



**WRITTEN STATEMENT FROM RESPONDENT, KIMBERLY BUCHHEIT**

I, Kimberly A. Buchheit, pursuant to Appendix A to 49 C.F.R. Part 24, state:

1. I know that I am entitled to receive a replacement housing purchase ("RHP") additive and have attached the Notice of Eligibility for Supplementary Replacement Housing Payment for Owner transmitted on or about June 29, 2015.
2. I filed a Petition for Administrative Hearing challenging the RHP additive calculated by CFX's independent relocation agent.
3. The parties mediated on February 8, 2017, and reached an all-inclusive settlement of all claims related to the taking of Parcel 292, subject to the approval of the CFX Right of Way Committee and CFX Board.
4. As part of the consideration for the proposed settlement, a copy of which is attached, I acknowledge that the all-inclusive settlement encompasses compensation for a replacement housing purchase ("RHP") additive. As a result, I have chosen not to accept any RHP additive payments separate and apart from the all-inclusive settlement amount, which I am or may be entitled. I further agree to dismiss with prejudice my Petition for Administrative Hearing involving the Replacement Housing Purchase Additive.
5. This statement has not been coerced by any person or entity.

Signature: \_\_\_\_\_

Kimberly A. Buchheit

Date: \_\_\_\_\_

3/10/2017

CENTRAL FLORIDA EXPRESSWAY AUTHORITY  
STATEMENT OF ELIGIBILITY FOR SUPPLEMENTARY  
REPLACEMENT HOUSING PAYMENT FOR OWNER

PROJECT: 429-205  
STATE ROAD NO.: 429  
PROJECT NAME: Wekiva Parkway  
COUNTY: Orange  
PARCEL NO.: 292.O-R1

This is to certify that being displaced from the residence located at 6500 Swain Road, Sorrento, FL 32776 :

☐ will not be eligible for replacement housing because \_\_\_\_\_

☒ will be eligible for a purchase additive amount not to exceed ~~\$63,850.00~~ <sup>TBD</sup> in order to purchase a decent, safe, and sanitary dwelling as an owner who elects to purchase. In order to receive the full purchase additive amount, you must purchase a decent, safe, and sanitary dwelling costing at least ~~\$150,000.00~~ <sup>TBD</sup>. \* VAB

The above amount is based upon the difference between the value of the comparable replacement dwelling offered by the Central Florida Expressway Authority ("Expressway Authority") (~~\$150,000.00~~ <sup>TBD</sup>) and the value of the acquired dwelling on a typical homesite as determined by the Expressway Authority (~~\$86,150.00~~ <sup>TBD</sup>). The value of the acquired dwelling on a typical homesite represents ~~23.481%~~ <sup>TBD</sup> of the approved appraisal amount for your property, which is ~~\$338,100.00~~ <sup>TBD</sup>. If the actual price of the acquired dwelling changes or the displacee purchases a replacement dwelling with a different value, the amount of the purchase additive eligibility may change. This eligibility amount is subject to change if comparable dwellings similar to the property to be acquired are no longer available. \* VAB

The displacee may also be eligible, when applicable, for compensation of the loss of favorable financing on an existing mortgage in the financing of replacement housing and reimbursement for costs incidental to the purchase of a replacement dwelling. The displacee must purchase and occupy decent, safe and sanitary replacement housing within one year from the later of the date he/she receives this Statement of Eligibility or the date he/she receives payment for the property the Expressway Authority is acquiring. In condemnation cases, this is the date funds are deposited with the court.

The benefits will not be available until acquisition of the property to be acquired by the Expressway Authority is complete or, in the case of condemnation, the owner has signed such agreements as are required by the Expressway Authority.

Payments will not be made to persons who purchase a replacement dwelling until they occupy the dwelling and provide a closing statement or other acceptable documentation of the price paid for the replacement unit.

If you are eligible for a replacement housing payment, please see attached Form entitled "Replacement Housing Payment Determination Three Comparables Method" for location and further information on comparable replacement dwelling(s) offered to you and calculation of replacement housing payment.

Signed: \_\_\_\_\_

Title: Sr. ROW Agent

Dated: 6/29/2015

Receipt Acknowledged by \_\_\_\_\_

on the 22 day of JULY, 2015.

\* I DO NOT AGREE WITH THE NUMBERS  
OR THE METHOD BY WHICH THEY  
WERE DERIVED.  
TBD = TO BE DETERMINED.



# Calhoun, Dreggors & Associates, Inc.

• Real Estate Appraisers & Consultants •

February 6, 2017

Edgar Lopez, Esq.  
c/o Harris Harris Bauerle Ziegler Lopez  
1201 E Robinson Street  
Orlando, FL 32801

RE: Owner: Buchheit  
Project: Wekiva Parkway  
Parcel No.: 292  
County: Orange

## INVOICE

Review CFX reports and plans, meetings/conference calls with experts, meetings with owner and owner's representative, inspections of the subject property, analysis of nearby CFX purchases and history of purchases in the area by O/OCEA and CFX, preparation of exhibits and other documents that illustrate these acquisitions/purchases, analysis of highest and best use before and after the taking, research of vacant residential land sales, inspection of sales, verification of sales, write-up of sales, analysis of sales, research of smaller single family home sales, analysis of single family homes sales, inspection of single family home sales, verification and write-up of sales, research of single family home rentals for smaller homes, analysis of improvements taken and cure costs, begin preparation of appraisal report.

LaBarre:	46.75 Hrs. x \$150/Hr. =	\$ 7,012
Abrams Schmidt	118.25 Hrs. x \$175/Hr. =	20,694
Dreggors:	62.25 Hrs. x \$275/Hr. =	<u>17,119</u>
<b>Total</b>		<b>\$44,825</b>

Thank you,

Richard C. Dreggors, GAA  
President

RCD/ddp

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

EXHIBIT "D"

OWNER	BUCHHEIT	KIMBERLY LABARRE
PROJECT	WEKIVA PARKWAY	
PARCEL(S)	292	
COUNTY	ORANGE	

DATE	TYPE OF SERVICE	HOURS
11/18/15	RESEARCH LAND SALES; OBTAIN DEEDS, MAPS, PROPERTY CARDS AND AERIALS; MET WITH RICK TO DISCUSS APPRAISAL ISSUES.	6.75
11/19/15	SALES RESEARCH OF IMPROVED RESIDENTIAL AND MANUFACTURED HOMES; VERIFYING LAND SALES.	7.25
11/23/15	MET WITH RICK TO REVIEW SALES; PREPARE SALES ANALYSIS AND LAND SALES WRITE-UPS; PREPARE FOR MEETING WITH OWNER'S REPRESENTATIVE AND OWNERS.	4.75
11/24/15	PREPARE FOR MEETING WITH OWNER'S REPRESENTATIVE AND OWNER; PREPARE LAND SALES ANALYSIS FOR MEETING; VERIFYING LARGE LAND SALES AND EXHIBITS.	7.75
11/25/15	MET WITH RICK TO DISCUSS SALES; CONTINUE TO VERIFY SALES AND PREPARE EXHIBITS.	4.50
12/02/15	PREPARE SALE WRITE-UPS AND EXHIBITS; VERIFY LAND SALES.	2.00
12/03/15	RESEARCH LAND SALES FOR REPORT; REVIEW DOCUMENTS AND REPORTS IN FILE.	4.25
12/04/15	VERIFYING SALES.	4.75
02/05/16	MET WITH RICK TO DISCUSS SALES, ETC. FOR OWNER'S REPRESENTATIVE.	<u>4.75</u>
	<b>TOTAL HOURS</b>	<b>46.75</b>



<b>OWNER</b>	<b>BUCHHEIT</b>	<b>COURTNEY ABRAMS SCHMIDT</b>
<b>PROJECT</b>	<b>WEKIVA PARKWAY</b>	
<b>PARCEL(S)</b>	<b>292</b>	
<b>COUNTY</b>	<b>ORANGE</b>	

<b>DATE</b>	<b>TYPE OF SERVICE</b>	<b>HOURS</b>
02/17/15	REVIEW OF FILE/SUBJECT MATERIAL; REVIEW OF CONDEMNOR APPRAISAL; ANALYSIS OF CONDEMNOR SALES; PREPARE FOR CONFERENCE CALL; ANALYSIS OF ADJACENT SALE TO EXPRESSWAY; PREPARE EXHIBITS; CONFERENCE CALL WITH EXPERTS.	5.75
02/18/15	RESEARCH LAND SALES; ANALYSIS OF SALES.	3.25
02/26/15	PREPARE FOR MEETING; INSPECT SUBJECT PROPERTY; MEETING WITH OWNER AND EXPERTS.	2.75
03/03/15	WORKED ON EXHIBITS FOR OWNER; ANALYSIS OF COMPENSATION BASED ON MEETING DISCUSSIONS.	2.00
03/30/15	MEETING WITH OWNER'S REPRESENTATIVE; ADDITIONAL ANALYSIS OF DAMAGES/COMPENSATION.	2.50
03/31/15	RUN CALCULATIONS BASED ON MEETING; ANALYSIS OF DAMAGES.	1.25
04/01/15	ANALYSIS OF DAMAGES; MEETING WITH RICK TO REVIEW; UPDATE EXHIBITS.	2.75
04/10/15	PREPARE FOR CONFERENCE CALL; CONFERENCE CALL WITH OWNER'S REPRESENTATIVE.	1.50
04/20/15	REVIEWED LAND PLANNING DOCUMENTS AND ORDINANCES/DOCUMENTS FROM OWNER.	2.00
04/27/15	CONFERENCE CALL WITH EXPERTS; DISCUSS ASSEMBLAGES WITH LAND PLANNER.	1.25
05/06/15	PREPARE FOR MEETING; MEETING WITH EXPERTS AND OWNERS.	2.75
07/22/15	CONFERENCE CALL WITH OWNER'S REPRESENTATIVE.	0.25
07/31/15	CONFERENCE CALL WITH ENGINEER.	0.25
08/03/15	UPDATE SALES RESEARCH.	3.25
08/05/15	UPDATE SALES RESEARCH.	3.00
08/06/15	ANALYSIS OF SALES.	2.50

<b>OWNER</b>	<b>BUCHHEIT</b>	<b>COURTNEY ABRAMS SCHMIDT</b>
<b>PROJECT</b>	<b>WEKIVA PARKWAY</b>	
<b>PARCEL(S)</b>	<b>292</b>	
<b>COUNTY</b>	<b>ORANGE</b>	

<b>DATE</b>	<b>TYPE OF SERVICE</b>	<b>HOURS</b>
09/24/15	REVIEW OF LAND PLANNING REPORT.	0.75
10/20/15	UPDATE RENTAL RESEARCH; REVIEW OF EXPERTS REPORTS.	3.75
10/21/15	ANALYSIS OF SALES; ASSIST WITH APPRAISAL; CREATE EXHIBITS FOR REPORT.	4.00
11/02/15	ASSISTED WITH APPRAISAL; WORKED ON EXHIBITS FOR REPORT; RESEARCH/ANALYSIS OF SUBJECT DOCUMENTS.	6.25
11/04/15	ASSISTED WITH APPRAISAL.	2.25
11/05/15	RESEARCH/ANALYSIS OF SALES; ASSIST WITH REPORT.	2.50
11/09/15	REVIEW OF EXPERT REPORTS.	1.25
11/10/15	ASSIST WITH APPRAISAL; WORK ON EXHIBITS FOR REPORT.	4.25
11/17/15	ANALYSIS OF SALES; MEETING WITH ASSOCIATE TO DISCUSS SALES.	2.25
11/18/15	MEETING WITH RICK AND ASSOCIATE TO DISCUSS SALES.	0.75
11/19/15	MEETING WITH RICK AND ASSOCIATE TO DISCUSS SALES.	1.00
03/29/16	REVIEW OF UPDATED ENGINEERING REPORT/COST ESTIMATES; WORKED ON COSTS; ANALYSIS OF COMPENSATION.	3.00
03/31/16	CONFERENCE CALL WITH ENGINEER; REVIEW OF CFX'S CONTRACTOR'S ESTIMATE; ANALYSIS OF SALES; WORK ON COSTS; UPDATE EXHIBITS; MEETING WITH RICK TO REVIEW.	5.75
04/06/16	MEETING WITH RICK TO DISCUSS SALES.	0.50
04/07/16	REVIEW/ANALYSIS OF SURROUNDING CFX APPRAISALS; WORK ON EXHIBITS FOR OWNER'S REPRESENTATIVE.	4.25
10/10/16	REVIEW UPDATED LAND PLANNING REPORT.	0.50



<b>OWNER</b>	<b>BUCHHEIT</b>	<b>COURTNEY ABRAMS SCHMIDT</b>
<b>PROJECT</b>	<b>WEKIVA PARKWAY</b>	
<b>PARCEL(S)</b>	<b>292</b>	
<b>COUNTY</b>	<b>ORANGE</b>	

<b>DATE</b>	<b>TYPE OF SERVICE</b>	<b>HOURS</b>
10/17/16	CONFERENCE CALL WITH LAND PLANNERS.	0.50
01/06/17	CALL WITH OWNER'S REPRESENTATIVE; ASSIST WITH APPRAISAL; RESEARCH RENTAL INFORMATION.	3.25
01/09/17	RESEARCH/ANALYZE RENTAL INFORMATION; ASSISTED WITH APPRAISAL; REVIEW EXPERT REPORTS.	8.75
01/10/17	ASSISTED WITH APPRAISAL; ANALYSIS OF COST ESTIMATE FOR IMPROVEMENTS WITHIN THE TAKING.	3.25
01/11/17	CALL WITH OWNER; ASSISTED WITH APPRAISAL; MEETING WITH RICK TO REVIEW COSTS AND DAMAGES.	4.00
11/12/17	ASSISTED WITH APPRAISAL; CALL WITH OWNER; WORKED ON ADDENDA.	3.25
01/13/17	ASSISTED WITH APPRAISAL.	2.00
01/16/17	ASSISTED WITH APPRAISAL.	2.50
01/19/17	MEETING WITH RICK; ASSIST WITH APPRAISAL.	4.75
01/20/17	ASSISTED WITH APPRAISAL; FINALIZED ADDENDA.	2.75
01/30/17	CALL WITH OWNER'S REPRESENTATIVE.	0.50
01/31/17	ASSISTED WITH APPRAISAL.	1.75
02/02/17	PREPARE FOR CONFERENCE CALL; CALL WITH OWNER AND OWNER'S REPRESENTATIVE.	<u>1.00</u>
	<b>TOTAL HOURS</b>	<b>118.25</b>

<b>OWNER</b>	<b>BUCHHEIT</b>	<b>RICHARD C. DREGGORS, GAA</b>
<b>PROJECT</b>	<b>WEKIVA PARKWAY</b>	
<b>PARCEL(S)</b>	<b>292</b>	
<b>COUNTY</b>	<b>ORANGE</b>	

<b>DATE</b>	<b>TYPE OF SERVICE</b>	<b>HOURS</b>
04/16/14	MEETING WITH OWNER'S REPRESENTATIVE TO REVIEW THE ASSIGNMENT AND OUR SCOPE OF WORK.	0.75
06/10/14	PREPARE FOR AND MEET WITH OWNER AND EXPERTS TO REVIEW TAKING AND STATUS/SCOPE OF WORK.	2.50
06/25/14	PREPARE FOR AND MEET WITH OWNER AT THE PROPERTY; REVIEW TAKING AND IMPACTS TO REMAINDER.	2.00
07/23/14	REVIEW CORRESPONDENCE FROM OWNER; CONFERENCE WITH OWNER'S REPRESENTATIVE REGARDING SURVEY ISSUES.	0.75
07/25/14	REVIEW DOCUMENTS FOR PURCHASE BY O/OCEA FOR ADJOINING PARCELS.	0.50
01/17/15	PREPARE FOR AND CONFERENCE WITH OWNER'S REPRESENTATIVE AND EXPERTS; REVIEW HIGHEST AND BEST USE AND VALUATION ISSUES.	2.25
02/12/15	REVIEW DOCUMENTS/APPRAISALS FROM OWNER'S REPRESENTATIVE; PREPARE FOR CONFERENCE CALL.	3.00
02/26/15	INSPECT SUBJECT PROPERTY AND MEET WITH EXPERTS AT THE PROPERTY.	2.75
03/30/15	PREPARE FOR AND MEET WITH OWNER'S REPRESENTATIVE; REVIEW PRELIMINARY DATA AND FINDINGS.	2.75
04/01/15	REVIEW VALUATION ALTERNATIVES WITH ASSOCIATE; REVIEW CHARTS OF VACANT LAND SALES.	1.25
04/10/15	PREPARE FOR AND CONFERENCE WITH OWNER'S REPRESENTATIVE TO REVIEW SALES AND PRELIMINARY FINDINGS.	1.00
05/06/15	PREPARE FOR AND MEET WITH OWNER AND EXPERTS TO REVIEW OUR FINDINGS TO THIS POINT.	1.75



<b>OWNER</b>	<b>BUCHHEIT</b>	<b>RICHARD C. DREGGORS, GAA</b>
<b>PROJECT</b>	<b>WEKIVA PARKWAY</b>	
<b>PARCEL(S)</b>	<b>292</b>	
<b>COUNTY</b>	<b>ORANGE</b>	

<b>DATE</b>	<b>TYPE OF SERVICE</b>	<b>HOURS</b>
07/22/15	PREPARE FOR AND CONFERENCE WITH OWNER'S REPRESENTATIVE TO REVIEW SCOPE AND TIMING OF OUR APPRAISAL.	0.50
11/05/15	REVIEW TAI AND VHB REPORTS.	2.25
11/18/15	REVIEW/WRITE REPORT; REVIEW SALES OF APPRAISAL OF ROCKWOOD GROVES NEXT TO SUBJECT; MEETING WITH ASSOCIATES TO REVIEW REMAINING SCOPE OF WORK.	6.25
11/19/15	REVIEW SALES WITH ASSOCIATE; CONFERENCE WITH PLANNER; PREPARATION OF APPRAISAL; ANALYSIS OF HIGHEST AND BEST USE.	8.75
11/20/15	MEETING WITH ASSOCIATE TO REVIEW/ANALYZE SALES; PROOFREAD/WRITE REPORT.	6.25
11/23/15	ASSIST WITH SALE ANALYSIS/REVIEW; REVIEW WITH ASSOCIATE; PREPARE FOR MEETING WITH OWNER.	1.00
11/24/15	PREPARE FOR AND MEET WITH OWNER AND EXPERTS TO REVIEW OUR ANALYSIS AND REMAINING SCOPE OF WORK.	2.25
11/25/15	MEETING WITH ASSOCIATE TO REVIEW SALES.	0.75
01/06/16	CONFERENCE WITH ENGINEER TO REVIEW HIS REMAINING SCOPE OF WORK AND TIMETABLE.	0.25
02/05/16	REVIEW SALES WITH ASSOCIATE.	0.50
03/11/16	PREPARE FOR AND CONFERENCE WITH OWNER'S REPRESENTATIVE REGARDING ISSUES/VALUE OF THE TAKING.	0.50
03/31/16	MEETING WITH ASSOCIATE TO REVIEW RCN AND IMPROVEMENTS TAKEN.	0.75
04/06/16	MEETING WITH ASSOCIATE; REVIEW SALES; VALUATION OF SALES; REVIEW INFORMATION FROM EDGAR LOPEZ.	1.25
04/07/16	REVIEW SALES, CHARTS, ETC. WITH ASSOCIATE.	0.50
10/11/16	REVIEW VHB LAND PLANNING REPORT.	0.75

OWNER	BUCHHEIT	RICHARD C. DREGGORS, GAA
PROJECT	WEKIVA PARKWAY	
PARCEL(S)	292	
COUNTY	ORANGE	

DATE	TYPE OF SERVICE	HOURS
01/10/17	MEETING/CONFERENCE WITH ASSOCIATE REGARDING VALUATION OF IMPROVEMENTS.	0.50
01/11/17	ASSIST WITH REPORT PREPARATION.	2.50
01/14/17	ASSIST WITH APPRAISAL.	3.25
01/19/17	ASSIST WITH APPRAISAL; REVIEW WITH ASSOCIATE.	1.25
02/02/17	PREPARE FOR AND CONFERENCE CALL WITH OWNER AND OWNER'S REPRESENTATIVE.	<u>1.00</u>
	<b>TOTAL HOURS</b>	<b>62.25</b>





# Invoice

Please remit to:  
**Vanasse Hangen Brustlin, Inc.**  
101 Walnut Street, PO Box 9151 | Watertown, MA 02471  
617.924.1770 F 617.924.2286

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

Invoice No: **<Draft>**  
February 7, 2017  
VHB Project No: 61912.00

**Invoice Total \$13,678.67**

Professional Planning Services for Kim Bucheit property/Wekiva Parkway

**Professional Services Thru January 28, 2017**

**Professional Personnel**

	Hours	Rate	Amount
Principal 1	23.50	250.00	5,875.00
Technical/Professional 07	2.50	125.00	312.50
Technical/Professional 06	1.50	125.00	187.50
Technical/Professional 05	50.50	125.00	6,312.50
Totals	78.00		12,687.50
<b>Total Labor</b>			<b>12,687.50</b>

**Reimbursable Expenses**

Printing	991.17
<b>Total Reimbursables</b>	<b>991.17 991.17</b>

**Total this Invoice \$13,678.67**

**Billings to Date**

	Current	Prior	Total
Labor	12,687.50	0.00	12,687.50
Expense	991.17	0.00	991.17
<b>Totals</b>	<b>13,678.67</b>	<b>0.00</b>	<b>13,678.67</b>



**Archimedia Solutions Group - VHB Billing Backup Report**  
125 Liberty Street #301  
Danvers, MA 01923

Project Number: 61912.00

Period: 201407

Date	Location	Job Type	User	Total
6/16/2014	Orlando FL	Sm Fmt Color Printing	EHUGHES	\$4.28
			Total	\$4.28



**Archimedia Solutions Group - VHB Billing Backup Report**  
125 Liberty Street #301  
Danvers, MA 01923

Project Number: 61912.00

Period: 201503

Date	Location	Job Type	User	Total
2/26/2015	Orlando FL	B/W Laser Printing	katieshannon	\$0.52
2/18/2015	Orlando FL	Sm Fmt Color Printing	katieshannon	\$1.07
2/26/2015	Orlando FL	Sm Fmt Color Printing	katieshannon	\$11.77
			<b>Total</b>	<b>\$13.36</b>





**Archimedia Solutions Group - VHB Billing Backup Report**  
125 Liberty Street #301  
Danvers, MA 01923

Project Number: 61912.00

Period: 201505

Date	Location	Job Type	User	Total
4/24/2015	Orlando FL	B/W Laser Printing	katieshannon	\$0.90
4/27/2015	Orlando FL	B/W Laser Printing	katieshannon	\$0.77
4/16/2015	Orlando FL	Sm Fmt Color Printing	katieshannon	\$1.07
4/22/2015	Orlando FL	Sm Fmt Color Printing	katieshannon	\$85.20
4/27/2015	Orlando FL	Sm Fmt Color Printing	katieshannon	\$39.42
4/29/2015	Orlando FL	Sm Fmt Color Printing	katieshannon	\$1.07
Total				\$128.43



**Archimedia Solutions Group - VHB Billing Backup Report**  
125 Liberty Street #301  
Danvers, MA 01923

Project Number: 61912.00

Period: 201506

Date	Location	Job Type	User	Total
5/6/2015	Orlando FL	Sm Fmt Color Printing	katieshannon	\$156.57
			Total	\$156.57



**Archimedia Solutions Group - VHB Billing Backup Report**  
125 Liberty Street #301  
Danvers, MA 01923

Project Number: 61912.00

Period: 201508

Date	Location	Job Type	User	Total
7/24/2015	Orlando FL	B/W Laser Printing	katieshannon	\$0.13
7/24/2015	Orlando FL	Sm Fmt Color Printing	katieshannon	\$116.09
		Total		\$116.22





**Archimedia Solutions Group - VHB Billing Backup Report**  
125 Liberty Street #301  
Danvers, MA 01923

Project Number: 61912.00

Period: 201509

Date	Location	Job Type	User	Total
7/26/2015	Orlando FL	B/W Laser Printing	katieshannon	\$0.13
7/27/2015	Orlando FL	Sm Fmt Color Printing	katieshannon	\$71.36
7/28/2015	Orlando FL	Sm Fmt Color Printing	katieshannon	\$6.39
			<b>Total</b>	<b>\$77.88</b>



**Archimedia Solutions Group - VHB Billing Backup Report**  
125 Liberty Street #301  
Danvers, MA 01923

Project Number: 61912.00

Period: 201513

Date	Location	Job Type	User	Total
11/25/2015	Orlando FL	B/W Laser Printing	katieshannon	\$0.52
11/19/2015	Orlando FL	Sm Fmt Color Printing	katieshannon	\$119.29
11/20/2015	Orlando FL	Sm Fmt Color Printing	katieshannon	\$55.38
11/24/2015	Orlando FL	Sm Fmt Color Printing	katieshannon	\$110.76
11/25/2015	Orlando FL	Sm Fmt Color Printing	katieshannon	\$1.07
		<b>Total</b>		<b>\$287.02</b>



**Archimedia Solutions Group - VHB Billing Backup Report**  
125 Liberty Street #301  
Danvers, MA 01923

Project Number: 61912.00

Period: 201612

Date	Location	Job Type	User	Total
10/18/2016	Orlando FL	B/W Laser Printing	katieshannon	\$3.33
10/17/2016	Orlando FL	Sm Fmt Color Printing	katieshannon	\$49.00
10/18/2016	Orlando FL	Sm Fmt Color Printing	katieshannon	\$64.97
			<b>Total</b>	<b>\$117.30</b>



Tipton

**STATEMENT OF WORK ACCOMPLISHED**  
**BUCHHEIT ROW - WEKIVA PKWY.**  
**4-525.1**

<u>Invoice No.</u>	<u>Date</u>	<u>Amount</u>
15595	07-07-14	725.00
15704	03-12-15	2,971.27
15799	10-15-15	2,860.33
15814	11-05-15	1,125.00
15864	02-11-16	1,237.50
16032	02-06-17	787.50
TOTAL AMOUNT DUE:		\$9,706.60

**STATEMENT OF WORK ACCOMPLISHED**  
**BUCHHEIT ROW – WEKIVA PKWY.**  
**4-525.1**

Invoice No. 15595, July 7, 2014 - \$725.00

06/18/14 William E. Tipton, Sr. (WET) pulled plan sheets adjacent to site and analyzed plans (2.0 hours)  
06/24/14 William E. Tipton, Jr. (WTJ) reviewed plans and documents from attorney and Rick Dreggors (1.0 hour)

Invoice No. 15704, March 12, 2015 - \$2,971.27

02/16-17/15 William E. Tipton, Jr. (WTJ) reviewed plans, appraisal, and engineering report from Central Florida Expressway, participated in team conference call (4.5 hours)  
02/23/15 WTJ worked on draft letter report and drawing package (4.0 hours)  
02/26/15 WTJ prepared for and attended team meeting at site (4.5 hours)

Invoice No. 15799, October 15, 2015 - \$2,860.33

07/16/15 William E. Tipton, Jr. (WTJ) reviewed and emailed well replacement proposals to attorney and client (0.5 hours)  
07/27/15 WTJ downloaded and reviewed 100% plans for Central Florida Expressway site, participated in conference call with Edgar Lopez regarding case status and moving forward with TAI draft report (2.0 hours)  
09/02/15 WTJ worked on draft letter report and drawings (2.0 hours)  
09/09/15 WTJ worked on draft letter report and drawings (1.0 hour)  
09/14/15 WTJ worked on draft letter report and drawings (2.0 hour)  
09/23/15 WTJ attended site meeting with client and contractor (4.0 hours)  
09/28/15 WTJ worked on draft letter report and drawings (1.0 hour)

Invoice No. 15814, November 5, 2015 - \$1,125.00

10/06-07/15 William E. Tipton, Jr. (WTJ) worked on draft letter report and drawings (5.0 hours)

**STATEMENT OF WORK ACCOMPLISHED  
BUCHHEIT ROW – WEKIYA PKWY.  
4-525.1**

Invoice No. 15864, February 11, 2016 - \$1,237.50

11/04/15	William E. Tipton, Jr. (WTJ) corresponded with owner regarding irrigation and electrical lines in the area of taking (0.5 hours)
11/24/15	WTJ attended team meeting at attorney's office (1.5 hour)
01/05/16	WTJ updated draft letter report and drawings (1.5 hours)
01/07-08/16	WTJ updated draft letter report and drawings (2.0 hours)

Invoice No. 16032, February 6, 2017 - \$787.50

07/15/16	William E. Tipton, Jr. (WTJ) corresponded with attorney and client (0.5 hours)
08/19/16	WTJ reviewed file for conference call with attorney and client, attended conference call (1.5 hours)
11/04/16	WTJ corresponded with Jim Hall regarding preparing cost estimate to bring water and sewer to site, began preparing quantities for cost estimate (1.0 hour)
01/19/17	WTJ corresponded with contractor and appraiser regarding demolition costs of before and after residential structures (0.5 hours)





# Tipton Associates Incorporated

760 Maguire Blvd  
Orlando, FL 32803-  
Tel: 407-894-2055 Fax: 407-896-9949

**Invoice Number: 15595**

July 07, 2014

Page number 1

Project 4525: Buchheit ROW - Wekiva Pkwy

Gordon Harris, Esq.  
Harris, Harris, Bauerle et al.  
1201 East Robinson Street  
Orlando, FL 32801

Professional Services for the period ended June 30, 2014

Project 4525:1 Parcel 292

## Professional Services

William E. Tipton, Sr.  
Chief Engineer/Planner

Hours	Rate	Amount
2.00	\$250.00	\$500.00
1.00	\$225.00	\$225.00
Services Total		\$725.00
Charges Subtotal		\$725.00
Invoice Total		\$725.00

**Tipton Associates Incorporated**

760 Maguire Blvd  
Orlando, FL 32803-  
Tel: 407-894-2055 Fax: 407-896-9949

**Invoice Number: 15704**

March 12, 2015

Page number 1

Project 4525: Buchheit ROW - Wekiva Pkwy

Gordon Harris, Esq.  
Harris, Harris, Bauerle et al.  
1201 East Robinson Street  
Orlando, FL 32801

Professional Services for the period ended February 28, 2015

Project 4525:1 Parcel 292

**Professional Services**

Chief Engineer/Planner

Hours	Rate	Amount
13.00	\$225.00	\$2,925.00
Services Total		\$2,925.00

**Reimbursable Expense**

Tolls

Personal Car Mileage

	Amount
Tolls	\$4.27
Personal Car Mileage	\$42.00
Reimbursable Total	\$46.27
Charges Subtotal	\$2,971.27
Invoice Total	\$2,971.27

Outstanding Invoices	Number	Date	Amount
Invoice	15595	7/7/2014	\$725.00

**Total Unpaid Invoices** \$725.00**Balance Due** \$3,696.27



# Tipton Associates Incorporated

760 Maguire Blvd  
Orlando, FL 32803-  
Tel: 407-894-2055 Fax: 407-896-9949

Invoice Number: 15799

October 15, 2015

Page number 1

Project 4525: Buchheit ROW - Wekiva Pkwy

Gordon Harris, Esq.  
Harris, Harris, Bauerle et al.  
1201 East Robinson Street  
Orlando, FL 32801

Professional Services for the period ended September 30, 2015

Project 4525:1 Parcel 292

## Professional Services

Chief Engineer/Planner

Hours	Rate	Amount
12.50	\$225.00	\$2,812.50
Services Total		\$2,812.50

## Reimbursable Expense

Tolls

Personal Car Mileage

	Amount
Tolls	\$7.33
Personal Car Mileage	\$40.50
Reimbursable Total	\$47.83
Charges Subtotal	\$2,860.33
Invoice Total	\$2,860.33

## Outstanding Invoices

Invoice  
Invoice

Number  
15595  
15704

Date  
7/7/2014  
3/12/2015

Amount  
\$725.00  
\$2,971.27

Total Unpaid Invoices	\$3,696.27
Balance Due	\$6,556.60





# Tipton Associates Incorporated

760 Maguire Blvd  
Orlando, FL 32803-  
Tel: 407-894-2055 Fax: 407-896-9949

Invoice Number: 15814

November 05, 2015

Page number 1

Project 4525: Buchheit ROW - Wekiva Pkwy

Gordon Harris, Esq.  
Harris, Harris, Bauerle et al.  
1201 East Robinson Street  
Orlando, FL 32801

Professional Services for the period ended October 31, 2015

Project 4525:1 Parcel 292

## Professional Services

Chief Engineer/Planner

Hours	Rate	Amount
5.00	\$225.00	\$1,125.00
Services Total		\$1,125.00
Charges Subtotal		\$1,125.00
Invoice Total		\$1,125.00

Outstanding Invoices	Number	Date	Amount
Invoice	15595	7/7/2014	\$725.00
Invoice	15704	3/12/2015	\$2,971.27
Invoice	15799	10/15/2015	\$2,860.33

Total Unpaid Invoices \$6,556.60

Balance Due \$7,681.60



# Tipton Associates Incorporated

760 Maguire Blvd  
Orlando, FL 32803-  
Tel: 407-894-2055 Fax: 407-896-9949

**Invoice Number:** 15864

February 11, 2016

Page number 1

Project 4525: Buchheit ROW - Wekiva Pkwy

Gordon Harris, Esq.  
Harris, Harris, Bauerle et al.  
1201 East Robinson Street  
Orlando, FL 32801

Professional Services for the period ended January 31, 2016

Project 4525:1 Parcel 292

## Professional Services

Chief Engineer/Planner

Hours	Rate	Amount
5.50	\$225.00	\$1,237.50
Services Total		\$1,237.50
Charges Subtotal		\$1,237.50
Invoice Total		\$1,237.50

Outstanding Invoices	Number	Date	Amount
Invoice	15595	7/7/2014	\$725.00
Invoice	15704	3/12/2015	\$2,971.27
Invoice	15799	10/15/2015	\$2,860.33
Invoice	15814	11/5/2015	\$1,125.00

**Total Unpaid Invoices** \$7,681.60

**Balance Due** \$8,919.10



# Tipton Associates Incorporated

760 Maguire Blvd  
Orlando, FL 32803-  
Tel: 407-894-2055 Fax: 407-896-9949

**Invoice Number:** 16032

February 06, 2017

Page number 1

Project 4525: Buchheit ROW - Wekiva Pkwy

Gordon Harris, Esq.  
Harris, Harris, Bauerle et al.  
1201 East Robinson Street  
Orlando, FL 32801

Professional Services for the period ended January 31, 2017

Project 4525:1 Parcel 292

## Professional Services

Chief Engineer/Planner

Hours	Rate	Amount
3.50	\$225.00	\$787.50
Services Total		\$787.50
Charges Subtotal		\$787.50
Invoice Total		\$787.50

Outstanding Invoices	Number	Date	Amount
Invoice	15595	7/7/2014	\$725.00
Invoice	15704	3/12/2015	\$2,971.27
Invoice	15799	10/15/2015	\$2,860.33
Invoice	15814	11/5/2015	\$1,125.00
Invoice	15864	2/11/2016	\$1,237.50

**Total Unpaid Invoices** \$8,919.10

**Balance Due** \$9,706.60

Barefoot Brothers Construction, LLC

3201 Corrine Drive  
Suite #213  
Orlando, FL 32803

## Invoice

Date	Invoice #
3/2/2016	1568

Bill To
Gordon Harris, Esq. Harris, Harris & Bauerle 1201 E. Robinson St Orlando, FL 32801 Buchheit Row Parcel 292

Terms	Project	Other

Item	Description	Est Amt	Prior Amt	Curr %	Total %	Prior %	Amount
Consulting	10 hours @ \$150 per hour  SUMMARY OF WORK COMPLETED  1. Met with Engineer Bill Tipton, Jr. 2. Reviewed documents provided by the engineer including the cost estimate accomplished by the FDOT contractor 3. Reviewed the existing conditions, area of taking and cure plan drawings provided by the engineer 4. Met onsite with owner and engineer 5. Prepared cost estimates for the items in the area of taking and the proposed TAI cure plan						1,500.00
					<b>Total</b>		\$1,500.00
					<b>Payments/Credits</b>		\$0.00
					<b>Balance Due</b>		\$1,500.00



# Tab D




## MEMORANDUM

TO: Central Florida Expressway Authority, CLIENT-MATTER NO.: 19125.0197  
Right of Way Committee

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

DATE: April 12, 2017

RE: Wekiva Parkway, Project 429-205, Parcel 288  
Recommendation for Offer of Judgment

A handwritten signature in blue ink, appearing to be "David A. Shontz", is written over the "FROM:" line and extends into the right margin.

---

Shutts & Bowen LLP, Right-of-Way Counsel, seeks the recommendation of the Right of Way Committee for an Offer of Judgment in full settlement of Parcel 288 owned by Thomas Olin Mahaffey, Jr. and Julie Mahaffey for State Road 429 Wekiva Parkway, Project 429-205.

### DESCRIPTION AND BACKGROUND

Parcel 288 is a fee simple partial taking consisting of .690 acres which is the homestead of Mr. and Mrs. Mahaffey. The property is located at 2219 Haas Rd., Apopka, Florida. The subject property is improved with a 5,065 s.f., 4 bedroom, 3 ½ bath single family residence, detached auxiliary building and storage shed built in 1987. The parent tract consists of three contiguous parcels with a combined area of 27.029± acres.<sup>1</sup>

The parent tract is located in the City of Apopka and is zoned AG (Agricultural), which provides for residential and agricultural uses. The future land use designation is Agricultural.

The CFX's appraisal of the property was prepared by Chris Starkey of Integra Realty Resources. Mr. Starkey opined the highest and best use of the property is for residential use. Mr. Starkey used three (3) land sales with prices ranging from \$19,656 per acre to \$24,145 per acre to arrive at the valuation of \$24,000 per acre or \$16,600 for the land taken. Additionally, Mr. Starkey concluded \$580 for improvements within the taking (200 linear feet of hog wire fencing) and a 5% severance damage in the after condition due to proximity of the property to

---

<sup>1</sup> On February 9, 2015, Thomas Olin Mahaffey, Jr. purchased parcel 06-20-28-0000-00-072 (0.690± acres) from Kenneth W. and Harvey Morris (Grantors) for \$41,400, or \$60,000 per acre. This parcel was not offered or listed on the open market prior to this purchase nor were the motivations of the seller and buyer disclosed. Overall, this sale has not been concluded to be an arm's length transaction and therefore CFX's appraisers did not rely upon it in their appraisal analysis or opinion of the market value of the Parcel as of the date of valuation.

the Wekiva Parkway, including loss of privacy, noise, visual impact and the diminishment of the rural country appeal or \$52,820. Accordingly, the total valuation by Mr. Starkey is as follows:

**Summary of Compensation.**

<u>Parcel 288</u>	
Land	\$16,600
Improvements	\$580
Severance Damages	\$52,820
Cost to Cure	\$692
<b>Total compensation</b>	<b>\$70,692, or \$71,000</b>

Mr. and Mrs. Mahaffey are represented by Raymer F. Maguire, III. This matter is scheduled for a jury trial on the court’s five (5) day jury trial docket beginning October 23, 2017. The case management deadlines are upcoming in the next 30 days through trial, however to date, Mr. Maguire has not prepared an appraisal report or provided a proposed settlement offer.

Accordingly, in an effort to potentially cap the costs to be incurred by the property owner (which are recoverable against the CFX), we are proposing an Offer of Judgment. If the Offer of Judgment is accepted by the property owner, then the case would be concluded. If the Offer of Judgment is not accepted within 30 days, then it expires. If a jury subsequently renders a verdict equal to or less than the Offer of Judgment, the property owner shall not recover any costs (including expert fees) incurred from the expiration of the Offer of Judgment through trial.

Based upon our extensive knowledge and review of numerous parcels on the project, positions taken by opposing counsel and experts, prior settlements and prior jury verdicts, I would propose an Offer of Judgment for Parcel 288 in the amount of \$225,000.00, plus statutory attorney’s fees and experts costs. The Offer of Judgment reflects an increase in the land value, additional monies for the improvements and an increase in severance damages.

For the above-cited reasons, Right-of-Way counsel requests a recommendation for approval of an Offer of Judgment in the amount of \$225,000.00, plus statutory attorney’s fees and experts costs, which is in the CFX’s best interest.

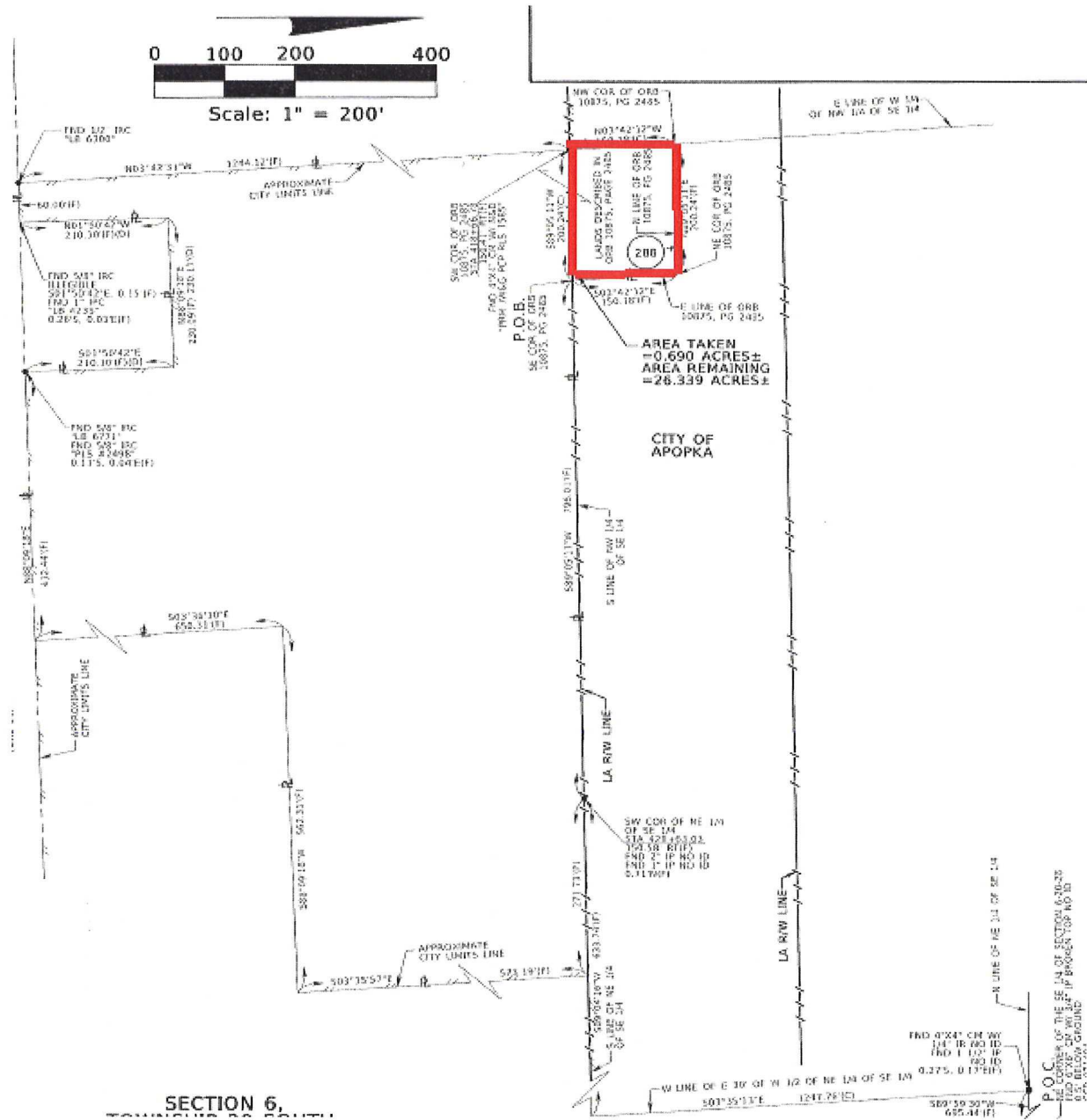
**RECOMMENDATION**

We respectfully request that the Right-of-Way Committee recommend to the CFX Board the approval of the Offer of Judgment in the amount of \$225,000.00, plus statutory attorney’s fees and experts costs in full settlement of all claims for compensation in the acquisition of Parcel 288, subject to apportionment (if any).

**ATTACHMENTS**

- Exhibit “A” – Sketch of the Subject Property
- Exhibit “B” – Photographs of the Subject Property and Area

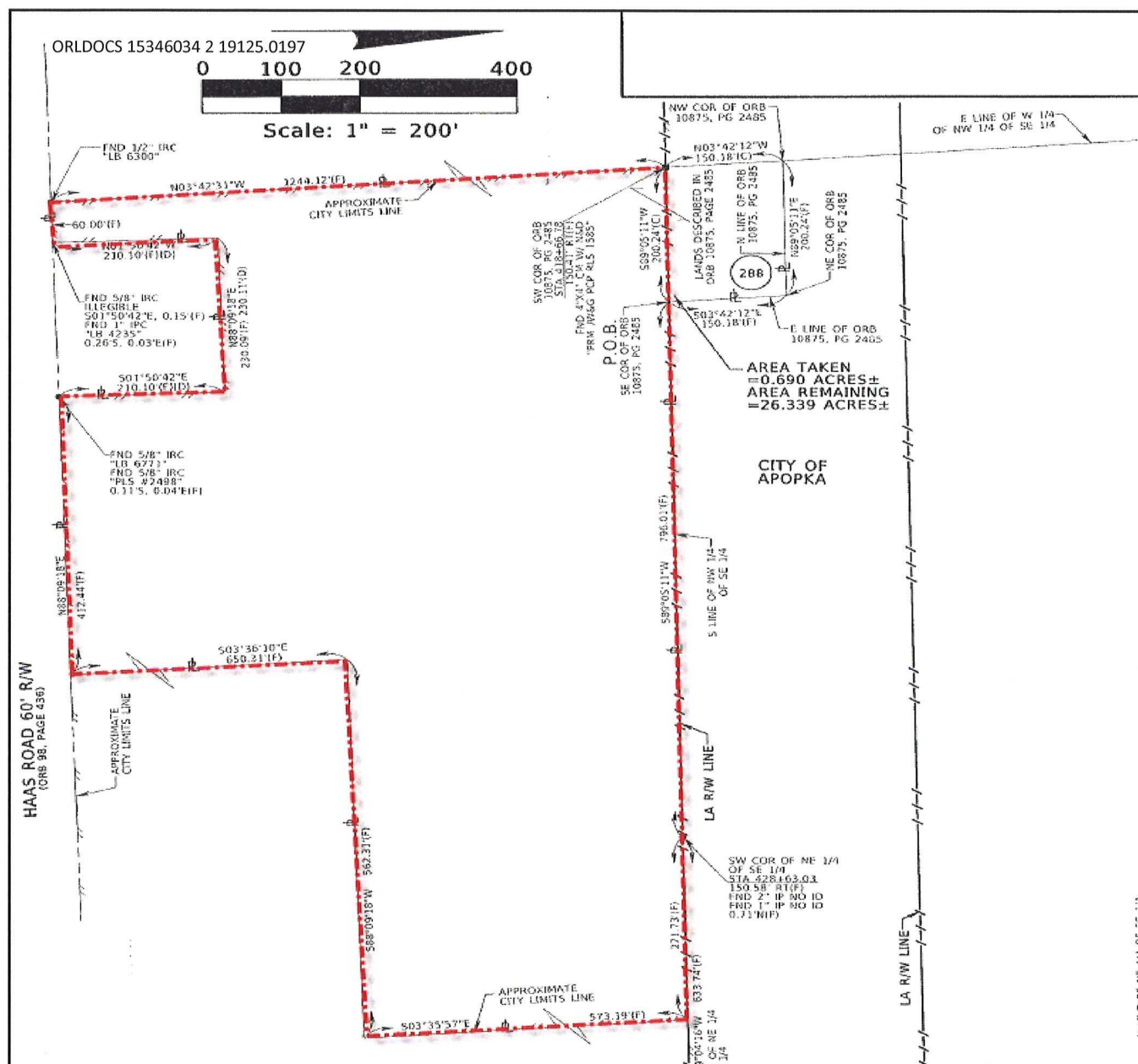
## EXHIBIT "A"







## EXHIBIT "B"





# Tab E



## MEMORANDUM

TO: Central Florida Expressway Authority      CLIENT-MATTER NO.: 19125.0187  
Right-of-Way Committee Members

FROM: Sidney C. Calloway, Esq., Right-of-Way Counsel / SCC

DATE: April 17, 2017

RE: State Road 429 Wekiva Parkway, Project 429-204; Parcel 252  
Proposed Offer of Judgment

---

Shutts & Bowen LLP, Right-of-Way Counsel, seeks the recommendation of the Right-of-Way Committee for an offer of judgment to be served upon the subject property owner, Anthony Randall Carter ("Owner") in full settlement of the Owner's compensation claim arising from CFX's acquisition of Parcel 252 in connection with the State Road 429 Wekiva Parkway, Project 429-204.

### DESCRIPTION AND BACKGROUND

Parcel 252 is a fee simple partial taking consisting of .734 acres. At the outset, the parent tract encompassed 10.554 acres. After the taking, Owner's remainder property is 9.820 acres in size. The Subject Property is located at 3245 Ondich Road in Apopka, Orange County, Florida. As of the date of taking (June 18, 2015) the Subject Property was improved with a five-bedroom, two and one-half-bath single family residence containing about 2,371 square feet of living area that was built in 2006. Additional improvements included an attached two-car garage and an above ground swimming pool. The property is zoned A-1, Citrus Rural District by Orange County.

The CFX's appraisal of the Subject Property was prepared by David Hall of Bullard, Hall & Adams, Inc. Mr. Hall has concluded that, as of June 18, 2015, the highest and best use of the property was for continued residential use. Mr. Hall used six (6) comparable land sales with prices ranging from \$25,416 per acre to \$30,021 per acre to arrive at an estimate of the fair market value of the Subject's land value, which he concluded to be \$28,000 per acre, thus equating to a value of \$20,600 for the part taken or (\$28,999 X .734 acres). Mr. Hall then used three (3) improved single family home sales with prices ranging from \$94.26 s.f to \$111.52 s.f.



to derive an estimate of value of \$95.00 s.f. or \$225,300 for the single family residence and its associated improvements located on the Subject Property.

After the taking, access from the public right of way to the subject remainder property can be restored by virtue of a 40 foot ingress/egress and utility easement (Parcel 852) from Ondich Road which will effectively and legally allow the owner to construct a driveway in the easement area. Speer Construction, LLC ("Speer") was retained by CFX to provide an estimate of the amount of the cost to construct the new stabilized driveway. Speer estimates that such costs to be \$22,100. After the construction of the project, the single family residence will be situated within 325 feet of the new right-of-way line for the SR 429 ROW. Better stated, this will be the interchange of SR 46 and SR 453 where Ramp J will range from 3.5 feet to 14 feet above the Subject Property and Ramp K is elevated 20 to 25 feet above the ground. Consequently, Mr. Hall concluded the remainder land would suffer a 40% reduction in value while the single family residence, a 30% reduction in value, both as a result of the proximity of the roadway, interchange and the change in character of the neighborhood. Mr. Hall's total valuation for Parcel 252 is \$220,300, which includes \$20,600 for land value, \$177,600 for damages to the Owner's remainder land and residence, and \$22,100 for the cost to cure.

As of the date of this Memorandum, CFX has not received any expert reports from the Owner, who is represented by Maguire Lassman PA. This case is currently set on the Court's January 8, 2018 jury trial docket. However, the parties will participate in court ordered mediation in June 2017. In an effort to move this case forward and to provide the Owner with a good faith settlement offer, as well as to attempt to cap the expert costs to be incurred by the property owner (which are recoverable against the CFX), we recommend that an offer of judgment be served on the Owner, which if accepted would be conclude the case. The Owner may choose to reject the offer of judgement or allow it to expire within the 30-day prescription. However, in such event if a jury subsequently renders a verdict equal to or less than the offer of judgment, the Owner would be legally barred from recovery of any costs (including expert fees) incurred from the expiration date of the offer of judgment through the valuation trial.

### **RECOMMENDATION**

Based upon our extensive knowledge and review of numerous parcels on the project, positions taken by opposing counsel and experts, prior settlements and prior jury verdicts, I respectfully recommend that an offer of judgment be served upon the Owner for the complete settlement of all the Owner's claim for compensation arising from the taking of Parcel 252 in the amount of \$338,150, plus statutory attorney's fees and experts costs. The recommended amount of the offer of judgment reflects an increase in the land value and accompanying damages to the Owner's remainder property as a result of its proximity to the new State Road 429 Wekiva Parkway, Project 429-204.

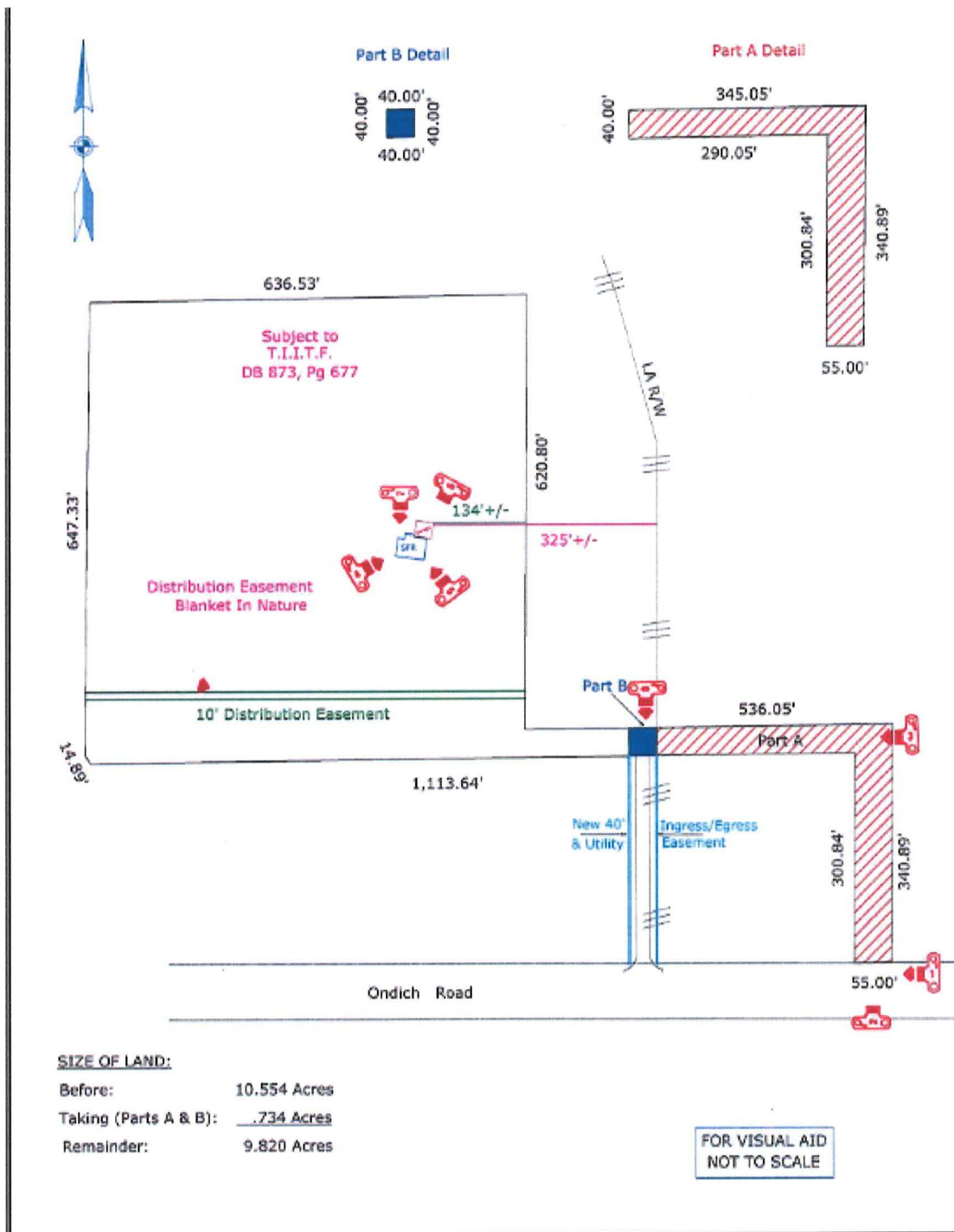
### **ATTACHMENTS**

Exhibit "A" – Sketch of the Subject Property

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

# EXHIBIT “A”



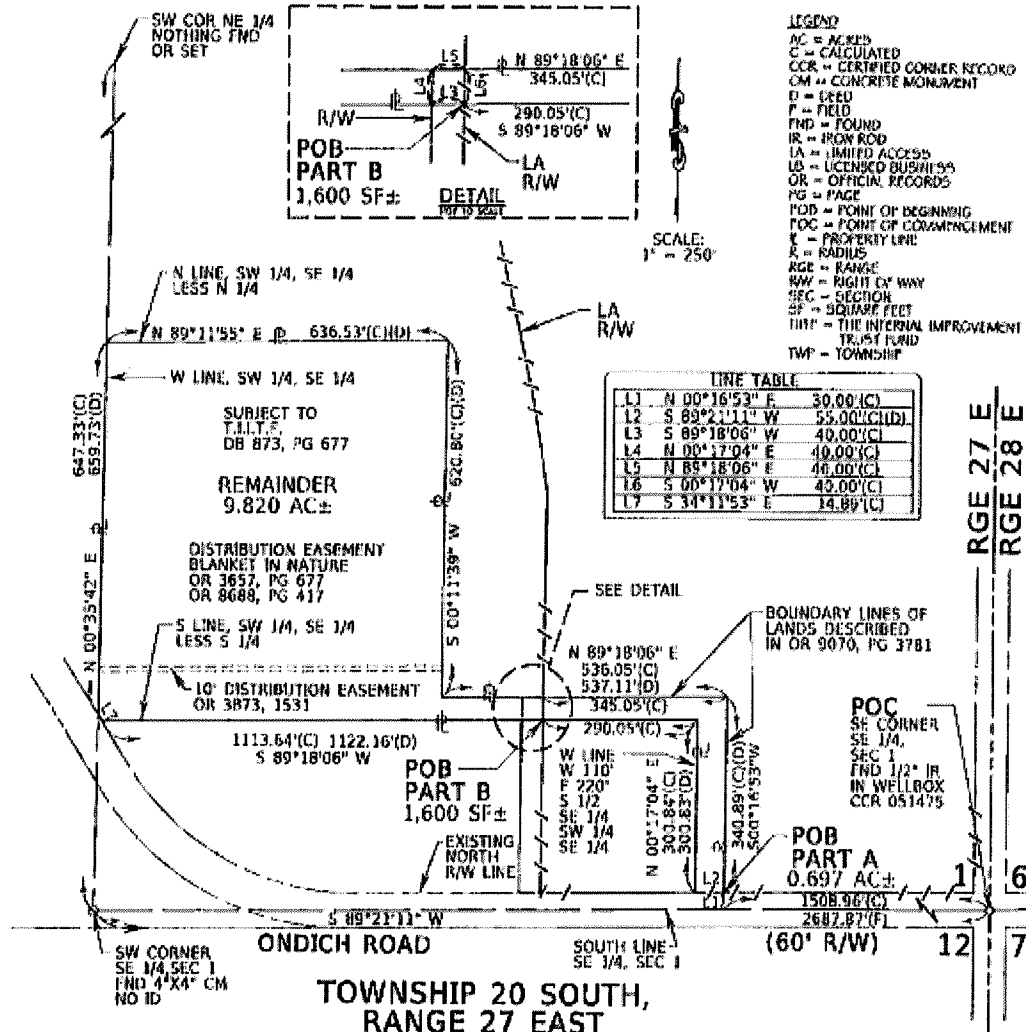


**PARCEL SKETCH  
PARCEL 252**



# SKETCH OF DESCRIPTION

PARCEL: 252  
PURPOSE: LIMITED ACCESS RIGHT OF WAY  
+ RIGHT OF WAY  
ESTATE: FEE SIMPLE



## GENERAL NOTES:

- 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" WEST.
- THERE MAY BE OTHER RECORDED DOCUMENTS FOUND IN ORANGE COUNTY RECORDS AFFECTING THIS PROPERTY THAT ARE NOT SHOWN ON THIS SKETCH OF DESCRIPTION.
- ATTENTION IS DIRECTED TO THE FACT THESE MAPS MAY HAVE BEEN ALTERED IN SIZE BY REPRODUCTION. THIS MUST BE CONSIDERED WHEN OBTAINING SCALE DATA.
- A CERTIFICATE OF TITLE INFORMATION PREPARED BY TRIST AMERICAN TITLE INSURANCE COMPANY DATED MARCH 25, 2013, FILE NO. 2037-2934327 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: 2/11/14

DRAWN BY: SMP

JOB NO:

APPROVED BY: RJM

OOCEA PROJECT NO: 429-204

**URS**

URS CORPORATION  
515 E. ROBINSON STREET  
SUITE 845  
ORLANDO, FL 32801-1949  
PH (407) 422-0353  
LICENSED BUSINESS NO. 6839

REVISIONS:

SHEET: 3 OF 3

# EXHIBIT “B”



1. LOOKING WEST AT THE FRONTAGE ALONG ONDICH ROAD

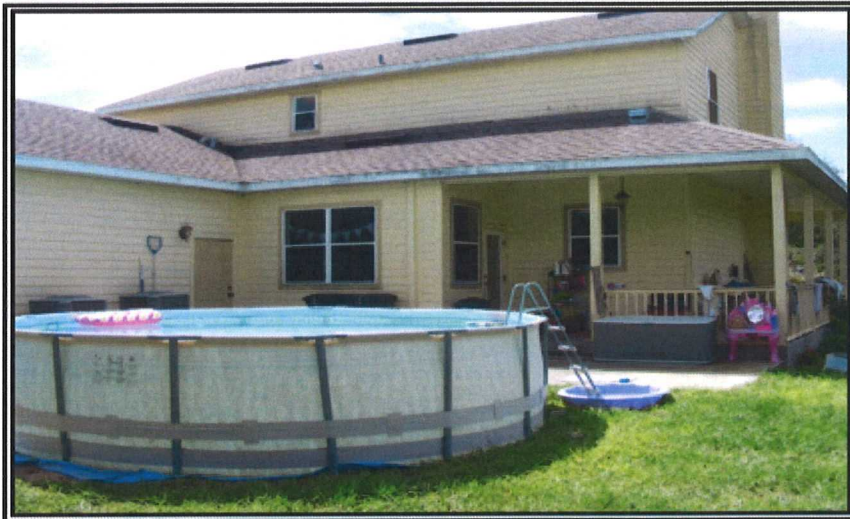


4. LOOKING NORTHEAST AT THE RESIDENCE

Taken By:

Photograph 4 Taken By:  
David K. Hall  
September 15, 2014

**PHOTOGRAPHS OF SUBJECT  
PARCEL 252**



**7. LOOKING SOUTH AT THE REAR OF THE RESIDENCE AND POOL**



**8. LOOKING SOUTH AT THE PART B TAKING**



# Tab F



## MEMORANDUM

TO: Central Florida Expressway Authority      CLIENT-MATTER NO.: 19125.0148  
Right-of-Way Committee Members

FROM: Sidney C. Calloway, Esq., Right-of-Way Counsel */SCC*

DATE: April 17, 2017

RE: State Road 429 Wekiva Parkway, Project 429-204; Parcel 253  
Proposed Offer of Judgment

---

Shutts & Bowen LLP, Right-of-Way Counsel, seeks the recommendation of the Right-of-Way Committee for an Offer of Judgment in full settlement of the taking of Parcel 253 to be served upon the owner of the subject property, Aran Glenn Carter ("Owner") in connection with the State Road 429 Wekiva Parkway, Project 429-204.

### DESCRIPTION AND BACKGROUND

Parcel 253 is a fee simple partial taking consisting of 7.959 acres. The parent tract from which Parcel 253 was acquired encompasses 10.546. The remainder property is 2.587 acres. The property is located at 3239 Ondich Road in Apopka, Orange County, Florida. As of June 18, 2015 (the date of taking), the subject property was improved with a three-bedroom, three-bath single family residence containing 1,926 square feet of living area that was built in 2006. Additional improvements include a 1,404 square foot manufactured home containing 3 bedrooms and 3 bathrooms built in 1987, several animal pens and a shed structure apparently used for storage of an RV. The property is zoned A-1, Citrus Rural District by Orange County.

The CFX's appraisal of the property was prepared by Chad Durrance of Durrance and Associates. Mr. Durrance opined that the highest and best use of the property is for continued residential use. Mr. Durrance used seven (7) comparable land sales with prices ranging from \$24,200 per acre to \$29,300 per acre to arrive at an estimate of the land value of the subject land of \$27,500 per acre and a value of \$218,900 for the land taken.

Mr. Durrance also used five (5) improved single family home sales with prices ranging from \$96 s.f. to \$134 s.f. to arrive at an estimate of fair market value of the subject single family

residence of \$116.82 p.s.f. or \$225,000. The entirety of the single family residence was acquired as a result of the taking of Parcel 253. Mr. Durrance used five (5) improved manufactured home sales to determine the value of the manufactured home and its associated improvements with prices ranging from \$17 to \$32 s.f. to arrive at an estimate of value for the manufactured home and associated improvements of \$17.81 s.f. or \$25,000.

In the after condition, the manufactured home located on the remainder property is within 23 feet of the new right-of-way line for the SR 429 roadway, which has significantly changed the character of the neighborhood in the after condition. Mr. Durrance concluded severance damages in the amount of \$95,100 to the manufactured home and surrounding land because of its close proximity to the new ROW, but also as a result in of the change in character of the neighborhood. Accordingly, Mr. Durrance's total valuation opinion for the taking of Parcel 253 is \$439,000, which includes \$218,900 for land value, plus \$225,000 for the value of the single family residence and \$95,100 in damages to the remainder property.

At the time of this Memorandum, CFX have not received any expert reports from the Owner, who is represented by Maguire Lassman PA. However, this case is currently set on the Court's January 8, 2018 jury trial docket and is scheduled for court ordered mediation in June, 2017. In an effort to move this case forward and to provide the Owner with a good faith settlement offer, which would also potentially cap the costs to be incurred by the Owner, although paid by CFX, we are proposing to serve the Owner with an offer of judgment, which if accepted would conclude the case. The Owner may choose to reject the offer of judgment or allow it to expire within 30 days. However, if a jury subsequently renders a verdict equal to or less than the offer of judgment, the Owner would legally be precluded from recovering any costs (including expert fees) incurred from the date of the expiration of the offer of judgment through the jury trial.

### **RECOMMENDATION**

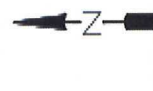
Based upon our extensive knowledge and review of numerous parcels on the project, positions taken by opposing counsel and experts, prior settlements and prior jury verdicts, I respectfully recommend that an offer of judgment for Parcel 253 in the amount of \$695,075, plus statutory attorney's fees and experts costs be served on the Owner. The proposed offer of judgment reflects an increase in the subject property's overall land value and accompanying damages to the remainder property resulting from its close proximity to the new State Road 429 Wekiva Parkway, Project 429-204 and change in its neighborhood character.

### **ATTACHMENTS**

Exhibit "A" – Before Acquisition Sketches of the Subject Property  
Exhibit "B" – After Acquisition Sketch of the Subject Property and Area

# EXHIBIT “A”





BEFORE ACQUISITION  
WEKIVA PARKWAY  
CARTER  
PARCEL 253

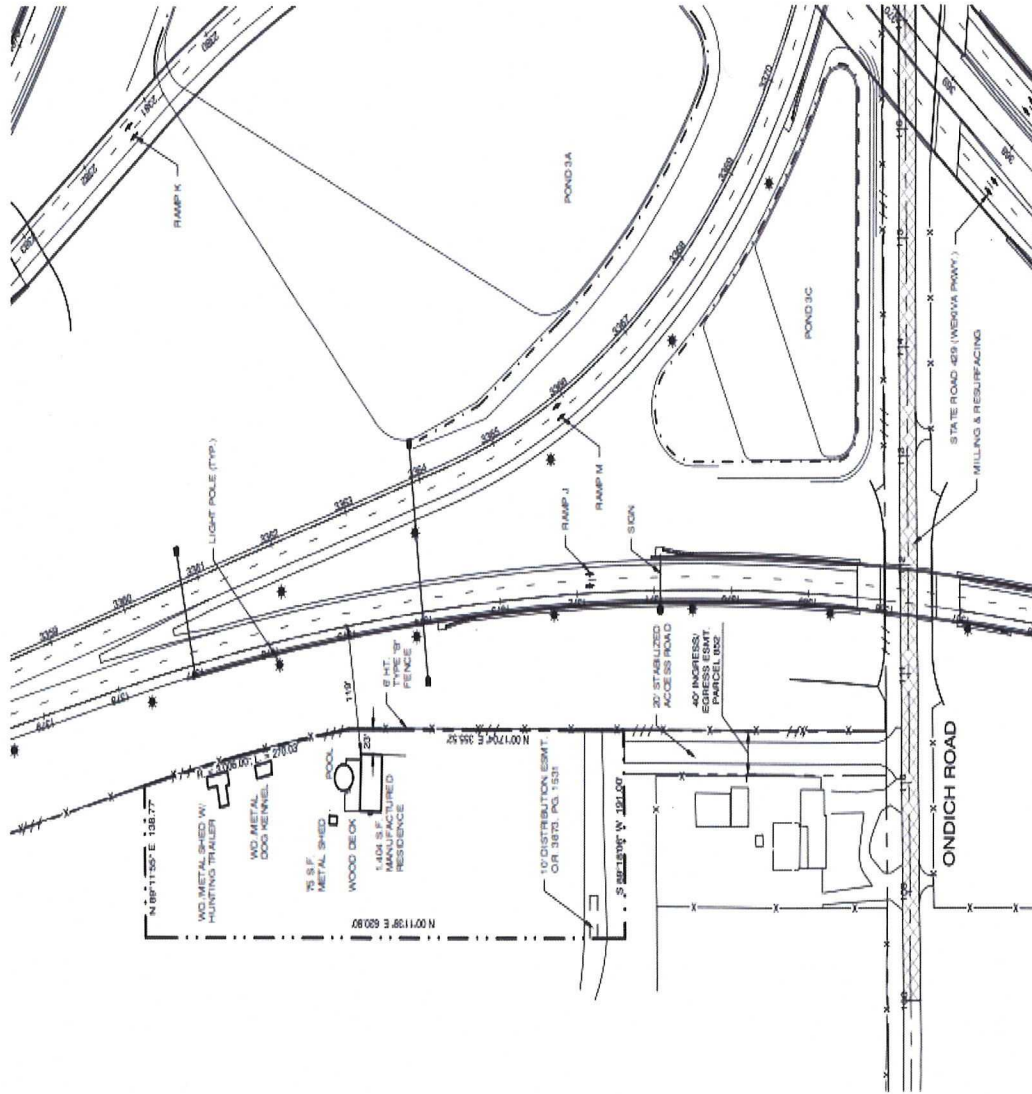


114 1001 953 001 253

# EXHIBIT “B”







**AFTER ACQUISITION  
WEKIVA PARKWAY  
CARTER  
PARCEL 253**



**LMA**  
Landon, Morree & Associates, Inc.  
Civil & Environmental Engineers - Planners - Surveyors  
31822 U.S. 90 North Palm Harbor, Florida 34684  
Tel: (800) 282-7940, (727) 941-1100  
Fax: (727) 941-1101  
WWW.LMAENG.COM

LMA JOB #: 663-001.253




# Tab G

**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: April 12, 2017**

**RE: S.R. 429 Wekiva Parkway, Project 429-202; Parcel 153**  
**Recommendation for Board Approval of Settlement Proposal**

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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 Ponkin Road Property, LLC, for Parcel 153 of the State Road 429 Wekiva Parkway Project. The Court entered an Order of Taking on July 10, 2014.

**DESCRIPTION and BACKGROUND:**

CFX is acquiring 3.019 acres from an 18.202 acre property located on the southwest corner of the signalized intersection of Plymouth Sorrento Road and Ponkan Road in Apopka, Florida. The property is largely unimproved (except for some minor fencing and an older, unoccupied building), and is owned by Ponkin Road Property, LLC ("PRP"), which is a business entity registered to Mr. James Gissy.

PRP acquired the property through two acquisitions: the 3.09-acre northeast corner of the property was acquired in December 2004 for \$440,000 (about \$142,400 per acre); the remaining 15 acres was acquired in December 2005 for \$375,000 (about \$25,000 per acre). CFX acquired property from the back (east) portion of the parent tract, leaving a 15.183-acre. The remainder property is currently listed for sale for \$5,250,000, or \$350,000 per acre.

Mr. Chad Durrance, MAI with Durrance and Associates, appraised the subject property on behalf of CFX. His initial appraisal report was dated March 6, 2014, which estimated the value of the property taken as of February 10, 2014, to be \$170,000.00. This appraisal was the basis for CFX's good faith estimate of value. The Court entered an Order of Taking on July 10, 2014, and the good faith estimate was deposited on July 21, 2014. Mr. Durrance subsequently prepared a draft of an updated appraisal with the July 21, 2014 date of value. His updated value estimate was \$245,500.00, as described in more detail below.

The property has been annexed into the City of Apopka, but has not yet been rezoned. The existing county zoning is A-1 (ZIP) – Citrus Rural District (Zoning in Progress). After conversations with the Planning Manager for the City of Apopka, Mr. Durrance determined that it was reasonably probable that the property could ultimately be rezoned for commercial development, and that the highest and best use of the property is for future commercial development. It is also worth noting that the property located across the street from the subject, at the southeast corner of Plymouth Sorrento Road and Ponkan Road, was annexed into the City of Apopka in 2007 and received a change in land use to Commercial and a zoning designation of C-1.

To determine land value, Mr. Durrance considered seven (7) comparable sales and several listings which ranged in value between \$72,600.00 per acre to \$281,400.00 per acre. Two of the comparable sales utilized by Mr. Durrance are currently listed for sale for substantially more than the sale price identified in his appraisal: Sale 1 was sold in May of 2012 for \$72,600.00 per acre, but is currently listed for \$218,00.00 per acre, and Sale 3 was sold in December 2012 for \$281,400.00 per acre, and is currently listed for \$437,125.00 per acre. These properties are located at the first intersection south of the subject along Plymouth Sorrento Road, at Lester Road/Yothers Road. Mr. Durrance ultimately reconciled on a value of **\$80,000.00 per acre**, which equates to \$1,456,000.00 for the value of the parent tract, and **\$241,500.00 for the part taken**.

CFX's acquisition will reduce the size of the parent tract by 17%. The configuration of the property is similar to the "before" condition, as the taking is from the rear of the property, and the parcel will retain its road frontage. Within the acquisition area, CFX will construct fencing adjacent to the remainder property line, a pond access road, sloped embankment and the new expressway, which is elevated as it approaches the Ponkan Road overpass. The western boundary of the remainder will be at or near grade with the adjacent expressway. The travel lands will be elevated 14 feet above grade at the southern property boundary, increasing to 25 feet above grade at the northern boundary. The travel lanes will be setback about 125 feet from the remainder's western boundary. Mr. Durrance concludes that the presence of the expressway will not have a negative influence on the future commercial use of the remainder, and therefore does not find any severance damages. He values improvements (fencing) within the area of taking to be worth \$1,800.00, and finds a cost to cure of \$2,200.00.

These valuation conclusions are summarized as follows:

Land Value	\$241,500.00
Improvement Value	1,800.00
Cost to Cure	2,200.00
<b>Total Compensation</b>	<b>\$245,500.00</b>

The owner is represented by Kent Hipp of Gray Robinson, P.A., who has retained the appraisal services of Rick Dreggors with Calhoun, Dreggors & Associates, Inc. Mr. Dreggors similarly determined that the property's highest and best use is for commercial development. To determine value, Mr. Dreggors considered five (5) comparable sales that ranged in value from \$174,629.00 per acre (\$4.01 per square foot) to \$309,804.00 per acre (\$7.11 per square foot).

While most of Mr. Dreggors' sales are located a considerable distance further from the



subject than Mr. Durrance's, both appraisers did have one sale in common. Mr. Dreggors' "Comparable Sale 812" is the same sale utilized by Mr. Durrance as "Sale 6." Each appraiser listed the value of this sale differently, based on different determinations of net land size. Mr. Durrance determined that this sale indicated a value of \$143,400.00 per acre, while Mr. Dreggors determined that this sale indicated a value of \$174,629.00 per acre.

Mr. Dreggors ultimately determined that the subject had a value of \$5.75 per square foot, or **\$250,480.00 per acre**, which equates to \$4,558,600 for the total value of the subject, and **\$756,100.00** for the value of the part taken. He then determined that the value of the improvements within the taking is **\$3,700.00**, and the Cost to Cure is **\$1,400.00**. Mr. Dreggors similarly concluded that the subject would not suffer any severance damages. He therefore concludes that the total compensation for the subject should be \$761,200.00.

The owner's compensation claims are summarized as follows:

Land Value	\$756,100.00
Improvement Value	3,700.00
Cost to Cure	1,400.00
<b>Total Compensation</b>	<b>\$761,200.00</b>

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

The Landowners have submitted expert invoices in the amount of \$71,545.76 as summarized below:

Calhoun, Dreggors & Assoc.	\$28,400.00
VHB (Land Planners)	10,561.62
Tipton Associates, Inc.	9,117.89
Civil Engineering Solutions, Inc.	21,966.25
Barefoot Brothers Contractors	1,500.00
<b>Total Landowner Expert Fees</b>	<b>\$71,545.76</b>

The Landowners have agreed to accept **\$64,966.00** for the total amount of all expert fees in this case.

CFX's expert fees in this case totaled \$87,491.00, as summarized below:

Durrance & Associates	\$58,757.75
McIntosh & Associates	28,017.25
Breedlove, Dennis and Associates	716.00
<b>Total CFX Expert Fees</b>	<b>\$87,491.00</b>

The undersigned counsel has analyzed the invoice amounts of the Landowner's experts and believes that the negotiated rate included within the total expert settlement amount indicated



above is reasonable.

This case is scheduled to go to trial on the September 2017 trial docket. Negotiations between the parties resulted in the attached settlement agreement whereby the Landowners agreed to accept \$425,000.00 to resolve compensation for the property, \$64,966.00 for expert fees, and \$83,750.00 for attorneys' fees (based on statutory benefit). The parties executed a Settlement Agreement (attached to this memo), the terms of which are summarized below:

<b>Compensation to Landowners</b>	<b>\$425,000.00</b>
Attorney's fees (Kent Hipp)	83,750.00
<u>Expert fees and costs</u>	<u>64,966.00</u>
<b>Total "All-In" Settlement</b>	<b>\$573,716.00</b>

CFX previously deposited \$170,000.00 into the court registry as its good faith estimate of value. A settlement in the amount of \$573,716.00 would require CFX to deposit an additional sum of \$403,716.00 (inclusive of attorneys' fees and expert fees).

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 \$573,716.00 to fully resolve Ponkan Road Property, LLC'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 - Settlement Agreement



# CENTRAL FLORIDA EXPRESSWAY AUTHORITY

## RECOMMENDATION FOR APPROVAL OF SETTLEMENT

S.R. 429 Wekiva Parkway  
Project 429-202  
Parcel 153



# Aerial Photos







# View Looking Along Ponkan Road







CENTRAL FLORIDA EXPRESSWAY AUTHORITY



# Southwestlerly View of W. Ponkan Road and Plymouth Road Intersection





# Appraisal Comparison

PARCEL 153	CFX	LANDOWNER
Land Value	241,500.00	756,100.00
Improvement Value	1,800.00	3,700.00
Damages/Cure	2,200.00	1,400.00
<b>Total Compensation</b>	<b>\$245,500.00</b>	<b>\$761,200.00</b>



# Settlement

PARCEL 153	REQUESTED BY OWNER	SETTLEMENT PROPOSAL (ESTIMATED BREAKDOWN)
Compensation to Owner	761,200.00	425,000.00
Expert Fees	71,545.76	64,966.00
<u>Attorney's fees (based on betterment)</u>	<u>\$167,800.00</u>	<u>83,750.00</u>
Total	\$1,000,545.76	573,716.00





## RECOMMENDATION

We respectfully request that the Right of Way Committee recommend CFX Board approval of settlement in the amount of \$573,716.00, including attorney and expert fees, for Parcel 153.

# Tab H

# CENTRAL FLORIDA EXPRESSWAY AUTHORITY

## MEMORANDUM

TO: Central Florida Expressway Authority Right of Way Committee

FROM: Linda S. Brehmer Lanosa, Deputy General Counsel



DATE: March 29, 2017

RE: *Central Florida Expressway Authority v. Odis and Polly Dover, et al.*  
Case No. 2015-CA-002136-O, Project 429-204, Parcel 250  
Location: 3317 and 3311 Ondich Road, unincorporated Orange County, Florida  
Total Taking of 1.518 acres

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## INTRODUCTION

Through informal settlement negotiations and before the property owner's attorney had incurred significant expert fees and costs, counsel for the parties reached a proposed settlement in the amount of **\$356,700**, consisting of \$315,000 for the property taken, plus \$29,700 for statutory attorney's fees, and \$12,000 for expert fees.

## DESCRIPTION OF PROPERTY AND TAKING

Parcel 250 is a fee simple whole taking consisting of 1.518 acres as shown in the aerials and photographs attached as **Exhibit A**. Parcel 250 is located on the north side of Ondich Road just west of Plymouth Sorrento in unincorporated Orange County, Florida. Parcel 250 is improved with the following: (a) eight (8) double-poly covered greenhouses, consisting of 19,584 square feet with an office and a restroom area, and (b) a 1,064-square-foot, concrete-block, single-family residence with 3 bedrooms, 2 baths, and an attached one-car garage. The residence was built in 1981. Additional improvements include two sheds, a propane tank, fencing and other agricultural/rural residential type improvements.

## CFX'S APPRAISAL REPORT

Chad G. Durrance, MAI, appraised the property for CFX. He opined the highest and best use of Parcel 250 is as improved with the existing greenhouse area, single-family residence, and associated site improvements. He valued the land at \$27,500 per acre after examining comparable sales ranging from \$23,400 to \$29,300 per acre. He also analyzed the value of the property as improved reviewing six comparable sales of improved property ranging in price from \$27,200 per acre to \$208,700 per acre. Based upon his analysis, he estimated the value of Parcel 250 as follows:

Land Value per Acre	\$ 27,500
Land Taken (1.518 acres)	\$ 42,000
Improvements	\$183,000
Total for Owner	<b>\$225,000</b>

### **MR. AND MRS. DOVER'S DEMAND**

Kent Hipp, counsel for Mr. and Mrs. Dover, retained Richard C. Dreggors, GAA, and Brandon Construction Company to prepare a preliminary opinion of value. Brandon Construction Company presented a table itemizing the cost of reproduction of the improvements at \$769,563, a copy of which is attached as **Exhibit B**.

Although the Dovers did not have a signed appraisal report, CFX did receive Mr. Dreggors' files on vacant land sales and improved sales and a table comparing the Dovers' estimate of value with CFX's appraised value. According to the table, the Dovers demanded \$390,000, consisting of \$76,000 for the land at \$50,000 per acre, \$299,000 for the improvements, and \$15,000 for interest. A copy of the table is attached as **Exhibit C**.

	<b>CFX</b>	<b>Dovers</b>
Land Value per Acre	\$ 27,500	\$ 50,000
Land Taken (1.518 acres)	\$ 42,000	\$ 76,000
Improvements	\$183,000	\$299,000
Subtotal for Owner	<b>\$225,000</b>	<b>\$375,000</b>
Interest		\$15,000
Total		<b>\$390,000</b>

### **PROPOSED SETTLEMENT**

The Dovers offered to settle this matter for \$315,000 for the property taken plus \$12,000 for expert fees at a reduced rate, and statutory attorney's fees.

Regarding expert fees, Mr. Hipp retained two experts who provided invoices totaling \$13,493, copies of which are attached as **Exhibit D**. After reviewing the invoices, the hourly rates, and the services performed, the parties determined that a payment of **\$12,000** for all of the owners' expert fees and costs would be a reasonable amount for settlement purposes.

<b>Expert</b>	<b>Invoice</b>	<b>Proposed Settlement</b>
Calhoun, Dreggors & Associates, Inc.	\$ 9,993	\$8,500
Brandon Construction Company	3,500	3,500
Total	<b>\$13,493</b>	<b>\$12,000</b>

Statutory attorney's fees are based upon the benefit achieved. With a settlement in the amount of \$315,000 and a first written offer of \$225,000, the monetary benefit is \$90,000. Statutory attorney's fees are 33% of \$90,000 or **\$29,700**. By way of comparison, the statutory attorney's fee based upon the owners' demand of \$375,000 would yield an attorney's fee of \$49,500.



The table below summarizes the positions of each party and the proposed settlement.

	<b>CFX</b>	<b>Dovers</b>	<b>Proposed Settlement</b>
Total for Owner	\$225,000	\$375,000	\$315,000
Interest		15,000	
Expert Fees and Costs		13,493	12,000
Statutory Attorney's Fees		49,500	29,700
Total		\$452,993	\$356,700

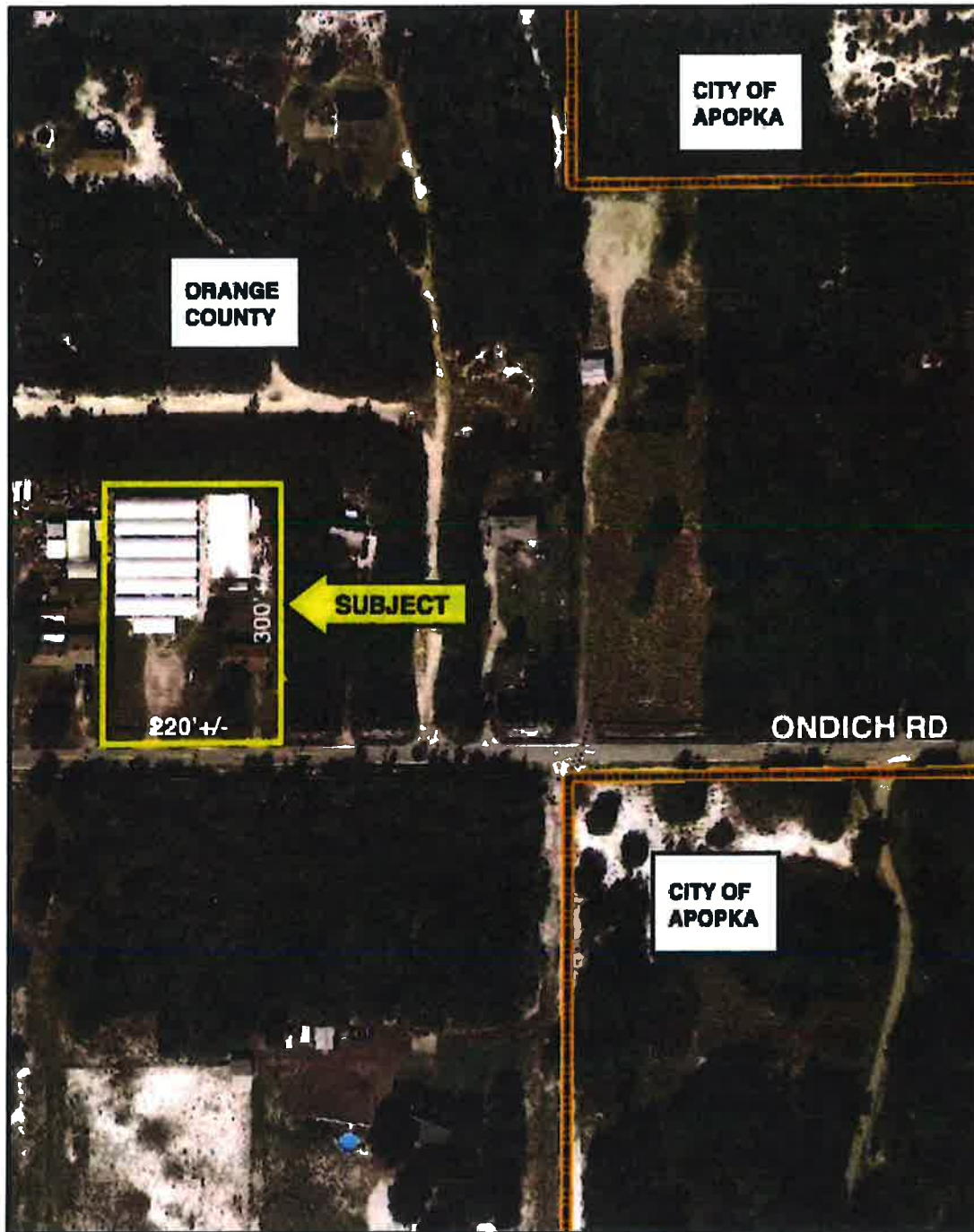
**REQUESTED ACTION**

We respectfully request that the Right of Way Committee recommend to the CFX Board approval of a Settlement Agreement in the amount of **\$356,700**, consisting of \$315,000 for the property taken, plus \$29,700 for statutory attorney's fees, and \$12,000 for expert fees.

Exhibits:

- A. Aerials and Photographs of the Property
- B. Cost of Reproduction by Brandon Construction
- C. Table Comparing the Differences
- D. Invoices from the Owner's Experts
- E. Settlement Agreement

cc: David Shontz, Esq., Shutts & Bowen



**AERIAL**

(Source: OCPAFL.org – 2014 Image Date)

# EXHIBIT A



**AERIAL/SKETCH**



Northerly view of residence from Ondich Road. (Photo #1)



Northerly view of greenhouses from Ondich Road. (Photo #2)



Brandon Construction Company			Cost of Reproduction			
<b>DOVER PROPERTY</b>						<b>EST#1364</b>
3311/3317 Ondich Rd ~ Apopka, FL						13-Apr-15
			14.0%	59.0%	27.0%	100.0%
CSI	DESCRIPTION	NOTES	SITEWORK	NURSERY	RESIDENCE	TOTAL
00000	Building Square Footage	Enclosed Area	N / A	19,584	1,400	20,984
01000	General Requirements	prorated	7,315	30,828	14,108	52,250
	Project Management	prorated	1,540	6,490	2,970	11,000
	Architectural/Engineering		4,500	1,500	7,000	13,000
	Building Permits/Misc Fees		250	6,350	3,550	10,150
	Orange County Impact Fees		0	0	11,950	11,950
	Surveying/Materials Testing		2,000	4,500	2,500	9,000
02000	Mobilization/MOT		1,500	0	0	1,500
	Barricades/Silt Barrier		2,100	0	0	2,100
	Clear & Grubb, Hauling		2,250	0	0	2,250
	Earthwork/Grading/Misc		3,000	0	0	3,000
	Water/Sewer Piping		4,125	0	0	4,125
	Wells/Pumps/Equip		6,375	0	0	6,375
	Septic Tank/Drainfield		8,400	0	0	8,400
	Concrete Paving/Walks		2,250	0	0	2,250
	Gravel/Shell Drives/Parking		1,500	0	0	1,500
	Chainlink Fencing/Gates		8,850	0	0	8,850
	Wood Fencing/Misc		incl	0	0	incl
	Plants/Shrubs/Trees		6,300	0	0	6,300
	Sod/Seed/Mulch		6,040	0	0	6,040
	Storage Sheds (2)		4,375	0	0	4,375
03000	Foundations		0	14,000	13,550	27,550
	Slab on Grade		0	incl	incl	incl
04000	Block Masonry		0	0	14,925	14,925
	Cell Fill/Rebar		0	0	incl	incl
06000	Rough Carpentry		0	3,580	18,700	22,280
	Roof Trusses		0	0	incl	incl
	Finish Carpentry/Trim		0	250	2,350	2,600
	Cabinetry/Countertops		0	0	7,500	7,500

**EXHIBIT B**

07000	Rigid/Batt Insulation	0	300	1,950	2,250
	Asphalt Shingle Roofing	0	0	7,125	7,125
	Flashings/Misc	0	0	incl	incl
	Soffits/Siding	0	0	1,000	1,000
08000	Doors/Frames/Hardware	0	550	2,700	3,250
	Overhead Doors	0	0	900	900
	Aluminum Windows	0	0	3,150	3,150
	Sliding Glass Door	0	0	incl	incl
	Interior Glass/Mirrors	0	100	400	500
09000	Drywall/Finishing	0	400	5,600	6,000
	Ceramic Tile	0	0	2,700	2,700
	Carpeting/Vinyl	0	450	2,250	2,700
	Interior/Exterior Painting	0	500	6,950	7,450
10000	Specialties/Misc	0	2,000	750	2,750
	Fire Ext/Cabinets	0	incl	incl	incl
12000	Window Treatments	0	0	900	900
13000	Steel Framed Greenhouses	0	146,880	0	146,880
	Gutters & Downspouts	0	incl	0	incl
	Exhaust Fans	0	incl	0	incl
	Evap Cooling Pads	0	14,400	0	14,400
	Heating Systems	0	10,400	0	10,400
	Metal Frame Plant Benches	0	34,560	0	34,560
	Fabric Ground Covering	0	5,280	0	5,280
15000	Interior Irrigation Systems	0	9,720	0	9,720
	Spray Machines/Injection Equip	0	15,000	0	15,000
	LP Gas Piping (to Heaters/Misc)	0	4,000	0	4,000
	Plumbing/Fixtures	0	600	9,250	9,850
	Water Heaters/Misc	0	0	incl	incl
	LP Gas Piping/Equip	7,500	0	1,500	9,000
	Propane Storage Tanks	incl	0	0	incl
	HVAC/Ductwork	0	450	6,750	7,200
	Bath Fans/Venting	0	incl	incl	incl
16000	Electrical	0	38,400	10,500	48,900
	Light Fixtures	0	incl	incl	incl

	Site Electrical/Panels		3,500	0	0	3,500
		Subtotal	83,670	351,488	163,478	598,635
		0.5% Bldr's Risk	418	1,757	817	2,993
		1.0% Gen Liability	837	3,515	1,635	5,986
	ALL INFORMATION CONTAINED IN THIS	0.3% Owner's Liab	251	1,054	490	1,796
	CONFIDENTIAL COST ESTIMATE IS SOLE	Subtotal	85,176	357,814	166,420	609,410
	PROPERTY OF BRANDON CONSTRUCTION	12% Overhead/Fee	10,221	42,938	19,970	73,129
	COMPANY GENERAL CONTRACTORS, INC.	Subtotal	95,397	400,752	186,390	682,539
	ALL RIGHTS RESERVED/COPYRIGHT 2015	2.5% P&P Bond	2,385	10,019	4,660	17,063
		Subtotal	97,782	410,771	191,050	699,602
		10% Contingency	9,778	41,077	19,105	69,960
		<b>TOTAL COST</b>	<b>107,560</b>	<b>451,848</b>	<b>210,155</b>	<b>769,562</b>
		Cost per SF	N / A	\$23.07	\$150.11	N / A
					Check	769,563

## DOVER DIFFERENCES<sup>1</sup>

**Project:** Wekiva Parkway  
**Parcel No.:** 250  
**Parent Tract:** 1.518 Acres  
**Date of Value:** May 22, 2015 - Deposit  
**First Offer/Date:** February 3, 2015 - \$225,000

	<b>FDOT [Appraiser Durrance]</b>	<b>DOVER [Appraiser Dreggors]</b>
<b>Land Taken</b>	<b>\$42,000 (\$27,500/Acre)</b>	<b>\$ 76,000 (\$50,000/Acre)</b>
<b>Improvements<sup>2</sup></b>	<b>\$183,000<sup>3</sup></b>	<b>\$299,000<sup>4</sup></b>
<b>Sub-Total</b>	<b>\$225,000</b>	<b>\$375,000</b>
<b>Interest<sup>5</sup></b>	<b>\$ 0</b>	<b>\$ 15,000</b>
<b>Total</b>	<b>\$225,000</b>	<b>\$390,000</b>

**\$284,300<sup>7</sup>**

**\$325,000<sup>6</sup>**

1. Exclusive of Attorneys' Fees, Experts' Fees and Costs
2. Improvements include 19,584 SF of double-poly covered greenhouses; 1,064 SF 3br/2ba concrete block single family residence w/ attached 1 car garage; 2 sheds; propane tank; fencing; agricultural improvements
3. Durrance does not value the improvements separately. Rather, he uses improved sales with similar structures. He previously used the cost approach on other greenhouse properties – ex. Merrill / S&L Nursery.
4. Home at \$95,000. Greenhouses at \$164,300. Fencing and Wells at \$39,200.
5. Interest at statutory rates through earliest potential trial date.
6. Tentative settlement reached with Project Manager.
7. Subsequent offer by CFX outside counsel.





**Brandon Construction Company**

GENERAL CONTRACTORS, INC.

CGC 022908

555 Palm Harbor Blvd, Palm Harbor, FL 34683

P: (727)-784-6378

F: (727)-789-3498

**INVOICE**

October 14, 2015

Debbie Townsend  
Gray Robinson  
301 East Pine Street, Suite 1400  
Orlando, FL 32801

**RE: Dover Property/Apoka**  
***Hourly Billing through 10/14/15***

Date	Description	Position	Hours	Rate	Total
3/16/2015	Building Dept/Research	Principal	1.5	\$140.00	\$ 210.00
3/16/2015	Review Docs	Principal	1.0	\$140.00	\$ 140.00
3/21/2015	Site Visit/Photo	Principal	6.5	\$140.00	\$ 910.00
3/27/2015	Format Estimate	Principal	1.0	\$140.00	\$ 140.00
3/27/2015	Take Off/Sitework	Principal	2.0	\$140.00	\$ 280.00
3/30/2015	Take Off/Nursery	Principal	2.5	\$140.00	\$ 350.00
3/30/2015	Take Off/Residence	Principal	2.0	\$140.00	\$ 280.00
4/7/2015	Sub Calls/Misc	Principal	1.5	\$140.00	\$ 210.00
4/7/2015	Cost of Reproduction	Principal	3.0	\$140.00	\$ 420.00
4/10/2015	Permit Costs/Misc.	Principal	1.5	\$140.00	\$ 210.00
4/13/2015	Recap Cost of Production	Principal	2.0	\$140.00	\$ 280.00
4/13/2015	Email to Appraiser/Attorney	Principal	0.5	\$140.00	\$ 70.00

25.0

\$ 3,500.00

**EXHIBIT D**

# Calhoun, Dreggors & Associates, Inc.

• Real Estate Appraisers & Consultants •

February 8, 2017

Kent L. Hipp Esq.  
c/o GrayRobinson, P.A.  
301 E. Pine Street, Suite 1400  
Orlando, FL 32803

RE:   Owner:     Dover  
      Project:    Wekiva Parkway  
      Parcel No.: 250  
      County:     Orange

## INVOICE

Review documents from owner's representative, review CFX report, meeting with owner and experts, conferences with owner's representative, inspect subject property, conference with contractor, review RCN and depreciation rates, land sales research/analysis, improved home sales analysis, prepare preliminary opinion of value.

Abrams Schmidt:	32.75 Hrs. x \$175/Hr. =	\$5,731
Dreggors:	15.50 Hrs. x \$275/Hr. =	<u>4,262</u>
<b>Total</b>		<b>\$9,993</b>

Thank you,

Richard C. Dreggors, GAA  
President

RCD/ddp

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

<b>OWNER</b>	<b>DOVER</b>	<b>COURTNEY ABRAMS SCHMIDT</b>
<b>PROJECT</b>	<b>WEKIVA PARKWAY</b>	
<b>PARCEL(S)</b>	<b>250</b>	
<b>COUNTY</b>	<b>ORANGE</b>	

<b>DATE</b>	<b>TYPE OF SERVICE</b>	<b>HOURS</b>
02/19/15	REVIEW SUBJECT DATA; REVIEW AND ANALYSIS OF DURRANCE APPRAISAL AND SALES.	5.25
03/03/15	RESEARCH LAND AND HOME SALES; ANALYSIS OF DATA.	3.25
03/05/15	INSPECTED EXTERIOR OF SUBJECT PROPERTY; CONFERENCE CALL WITH OWNER'S REPRESENTATIVE TO REVIEW OUR ASSIGNMENT; SALES RESEARCH AND ANALYSIS.	4.75
03/12/15	PROVIDE INFORMATION TO CONTRACTOR FOR THIS ASSIGNMENT.	0.50
06/01/15	REVIEW RCN AND DEPRECIATION RATES PROVIDED BY CONTRACTOR; ANALYSIS OF VALUE USING COST APPROACH.	2.75
09/02/15	MEETING WITH RICK TO REVIEW UPDATED SALES ANALYSIS; CONFERENCE CALL WITH OWNER'S REPRESENTATIVE TO REVIEW OUR FINDINGS.	4.75
9/13/15	REVIEW VALUATION ANALYSIS OF SURROUNDING PROPERTIES.	1.50
10/06/15	REVIEW SURROUNDING CFX APPRAISALS AND VALUATION ANALYSIS.	1.75
10/14/15	UPDATE RESEARCH AND PROVIDE ADDITIONAL LAND AND HOME SALES DATA TO OWNER'S REPRESENTATIVE; REVIEW WITH RICK BEFORE SENDING.	2.25
04/07/16	UPDATE EXHIBITS FOR OWNER'S REPRESENTATIVE.	1.25
02/01/17	UPDATE/REVIEW VALUATION ANALYSIS AND OTHER INFORMATION FOR NEARBY/SIMILAR PARCELS.	2.50
02/06/17	MEETING WITH RICK TO DISCUSS ADDITIONAL ANALYSIS; ANALYSIS OD COMPENSATION; UPDATE SUMMARY ANALYSIS.	<u>2.25</u>
<b>TOTAL HOURS</b>		<b>32.75</b>

<b>OWNER</b>	<b>DOVER</b>	<b>RICHARD C. DREGGORS, GAA</b>
<b>PROJECT</b>	<b>WEKIVA PARKWAY</b>	
<b>PARCEL(S)</b>	<b>250</b>	
<b>COUNTY</b>	<b>ORANGE</b>	

<b>DATE</b>	<b>TYPE OF SERVICE</b>	<b>HOURS</b>
02/04/15	REVIEW DOCUMENTS FROM OWNER'S REPRESENTATIVE; REVIEW OUR SCOPE OF WORK; REVIEW CFX REPORT.	1.75
02/18/15	CONFERENCE WITH OWNER'S REPRESENTATIVE.	0.50
03/05/15	EXTERIOR INSPECTION OF SUBJECT; CONFERENCE WITH OWNER'S REPRESENTATIVE REGARDING OUR SCOPE OF WORK; CONFERENCE WITH ASSOCIATE; CONFERENCE WITH CONTRACTOR.	1.25
05/11/15	REVIEW CONTRACTOR'S COSTS (RCN) FOR THE SUBJECT PARCEL.	0.75
06/01/15	ANALYSIS OF RCN AND DEPRECIATION RATES; PREPARE FOR MEETING; REVIEW WITH OWNERS.	4.75
06/05/15	REVIEW DOCUMENTS AND PREPARE FOR SITE INSPECTION.	0.50
06/08/15	MEETING WITH OWNERS; INSPECT SUBJECT PROPERTY.	1.75
09/02/15	MEETING WITH ASSOCIATE TO REVIEW LAND AND IMPROVED SALES; CALL OWNER'S REPRESENTATIVE TO REVIEW.	2.25
10/14/15	REVIEW ADDITIONAL SALES AND BACK-UP DATA FOR THIS PARCEL.	0.50
02/03/17	REVIEW VALUATIONS; MEET WITH ASSOCIATE TO DISCUSS; CONFERENCE WITH OWNER'S REPRESENTATIVE.	0.75
02/06/17	MEETING WITH ASSOCIATE TO REVIEW OUR ANALYSIS; CONFERENCE WITH OWNER'S REPRESENTATIVE TO REVIEW.	<u>0.75</u>
<b>TOTAL HOURS</b>		<b>15.50</b>



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: 2015-CA-002136-D

Subdivision 39

Petitioner,

Parcel 250

vs.

ODIS DOVER, POLLY DOVER,  
\_\_\_\_\_, et. al.

Respondent(s).  
\_\_\_\_\_ /

MEDIATED SETTLEMENT AGREEMENT

At the Mediation Conference<sup>S</sup> held <sup>in</sup> February 2017, the parties reached the following Settlement Agreement:

1. Petitioner will pay to Respondent(s), ODIS DOVER AND POLLY DOVER (referred to as "Respondent") the sum of THREE HUNDRED FIFTEEN THOUSAND Dollars exactly (\$ 315,000.00), in full settlement of all claims for compensation from Petitioner whatsoever for the taking of Parcel 250, including statutory interest and all claims related to real estate and business damages, if any, but excluding attorney's fees and expert witness costs. The settlement sum may be subject to claims of apportionment by any party in this case having a property interest in or a lien on the subject property. Petitioner previously deposited in the Registry of the Court Petitioner's good faith estimate in the amount of TWO HUNDRED TWENTY-FIVE THOUSAND Dollars (\$ 225,000.00). Within thirty days (30) days from the date of receipt by Petitioner's counsel of a conformed copy of the Stipulated Final Judgment, Petitioner will pay to Respondent, by deposit in the Registry of the Court the sum of NINETY THOUSAND Dollars exactly (\$ 90,000.00), representing the difference between the total settlement sum referenced above and the Petitioner's previous deposit in this case.

2. In addition to the settlement amount <sup>SEVEN</sup> referenced in Paragraph 1 of this Settlement Agreement, Petitioner will pay to the trust account of Respondent's attorney the sum of TWENTY-NINE THOUSAND NINE HUNDRED Dollars (\$ 29,900.00) in full settlement and satisfaction of all attorney's fees, including all fees related to monetary benefits, non-monetary benefits, and all law firm litigation costs in this case, but excluding supplemental proceedings related to apportionment, if any. VHL

EXHIBIT E

3. In addition to the above-referenced settlement sum and the above-referenced attorney's fees and law firm litigation costs, Petitioner will pay to the trust account of Respondent's attorney the sum of TWELVE THOUSAND

Dollars  
(\$ 12,000.00) in full settlement and satisfaction of all expert witness fees and costs incurred by Respondent in this case, subject to review and confirmation that each invoice submitted by Respondent's experts was necessary and reasonable. The expert fees are as follows:

CALHOUN, DREGGERS + ASSOCIATES: \$8,500.<sup>00</sup>  
BRANDON CONSTRUCTION CO. \$3,500.<sup>00</sup>

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

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

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

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

8. This Agreement resolves all claims whatsoever, including claims of compensation arising from the taking of Parcel 250, severance damages, business damages, tort damages, interest, attorney's fees, attorney's costs, expert fees, expert costs, and any other claim. except supplemental attorney's fees under section 73.092(2) for apportionment.

9. This Settlement Agreement, executed by the parties and their counsel on this \_\_\_\_\_ day of February, 2017, contains all the agreements of the parties.

listed below

W/S H  
UBC

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

Print Name: David A. Shontz  
Counsel for CFX

Print Name: \_\_\_\_\_  
Mediator \_\_\_\_\_

Print Name: Odysseus Dwyer  
Owner

Print Name: Polly Ann Dover  
Owner: 10

Print Name: Kent L. Hipp  
Attorney for Owner

Linda S. B. Lanosa

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

David A. Shantz  
Print Name: David A. Shantz  
Counsel for CFX

Print Name: \_\_\_\_\_  
Mediator

Odette E. Dover

Print Name: Odette E. Dover  
Owner

Polly Ann Dover

Print Name: Polly Ann Dover  
Owner

Kent L. Hipp

Print Name: Kent L. Hipp  
Attorney for Owner



## Linda Lanosa

---

**From:** Kent L. Hipp <Kent.Hipp@gray-robinson.com>  
**Sent:** Wednesday, March 08, 2017 3:20 PM  
**To:** Linda Lanosa  
**Cc:** Debbie Townsend  
**Subject:** RE: Parcel 158 - CFX v Merrill - Joint Motion and Stipulated Final Judgment

Linda,

I checked my file and the first written offer was \$225,000.  
The resulting benefit was \$90,000.  
The statutory fee is \$29,700.  
You have my permission to correct.

Thanks,  
Kent

**Kent L. Hipp | Shareholder**  
**GRAY | ROBINSON**

301 East Pine Street, Suite 1400 | Orlando, Florida 32801  
**T:** 407-843-8880 | **F:** 407-244-5690  
[E-mail](#) | [Website](#) | [Bio](#) | [vCard](#)

[Facebook](#) | [LinkedIn](#) | [Twitter](#)

**From:** Linda Lanosa [mailto:Linda.Lanosa@CFXWay.com]  
**Sent:** Wednesday, March 08, 2017 2:58 PM  
**To:** Kent L. Hipp  
**Subject:** RE: Parcel 158 - CFX v Merrill - Joint Motion and Stipulated Final Judgment

My goodness. Good luck with the emergency.

I just discovered a possible typo in the settlement agreement in Dover. Attorney's fees should be \$29,700, not \$29,900, assuming the first offer was \$225k and the benefit was \$90k. Was the first offer the same as the deposit? If so, do I have your permission to correct the attorney fee award?

Linda

.....  
**Linda Brehmer Lanosa**  
**Deputy General Counsel**

**CENTRAL FLORIDA EXPRESSWAY AUTHORITY**  
4974 ORL Tower Road  
Orlando, Florida 32807  
(o) 407.690.5000



# **CENTRAL FLORIDA EXPRESSWAY AUTHORITY**

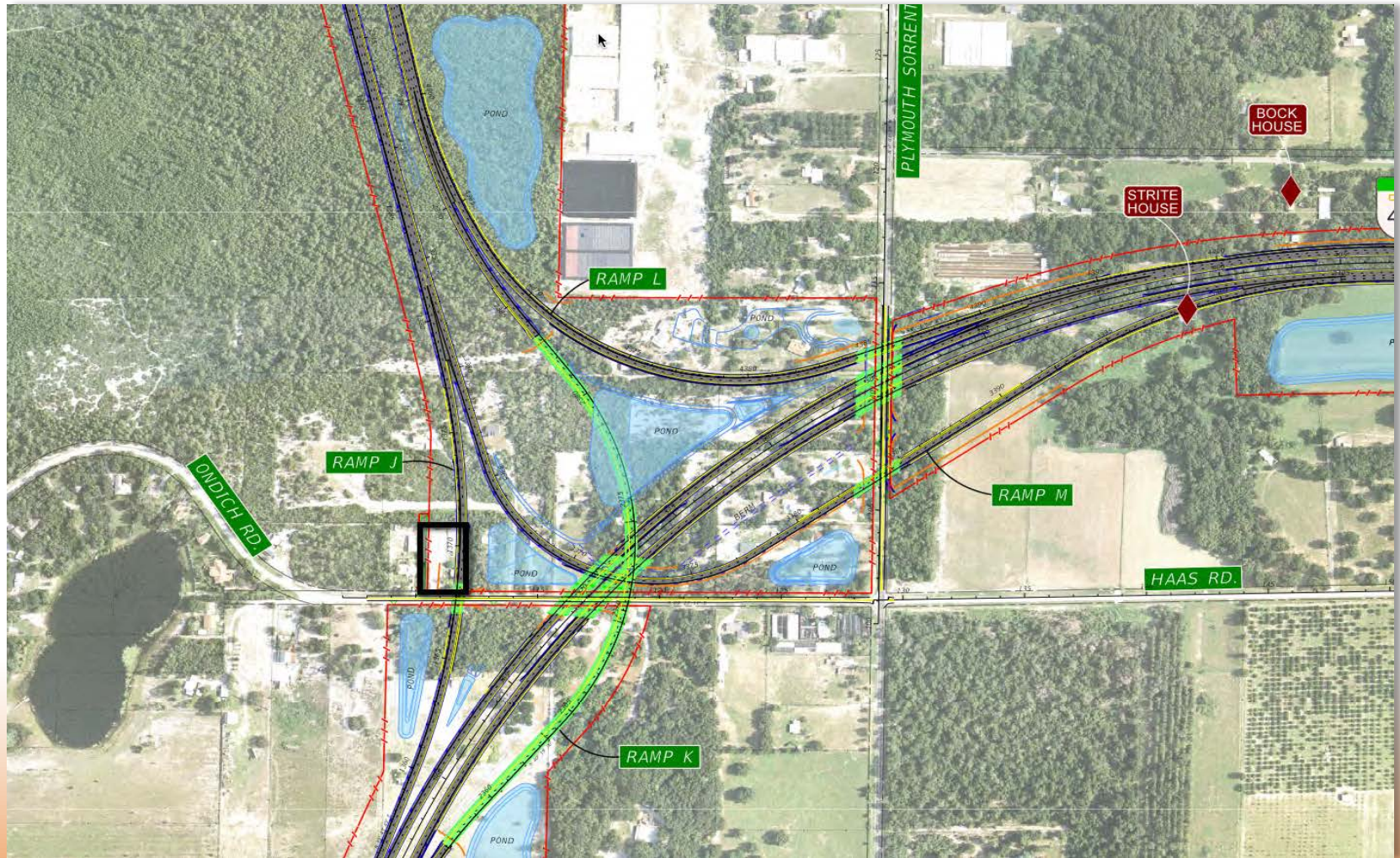
**RIGHT OF WAY COMMITTEE MEETING**  
**April 26, 2017**

**Parcel 250 – Odis and Polly Dover**  
**Proposed Mediated Settlement**





# Wekiva Parkway Improvements near Parcel 250





# ➤➤➤ Aerial of Property





# Map of Jurisdictions



# Photographs of Property



Northerly view of residence from Ondich Road.



Northerly view of greenhouses from Ondich Road.



# Estimates of Value

Parcel 250	CFX's Appraisal (Durrance)	Owner's Demand (Dreggors)
Per Acre Land Value	\$27,500	\$50,000
Value of Land Taken (1.518 acres)	\$42,000	\$76,000
Improvements	\$183,000	\$299,000
Subtotal for Owner	\$225,000	\$375,000
Interest		\$15,000
Total for the Land		\$390,000



# Owner's Expert Fees

Expert	Invoiced Amount	Proposed Reduction for Settlement
Calhoun, Dreggors & Associates, Inc.	\$ 9,993	\$ 8,500
Brandon Construction Company	3,500	3,500
<b>Total</b>	<b>\$13,493</b>	<b>\$12,000</b>



# Proposed Settlement

Parcel 250	CFX	Owner's Demand	Proposed Settlement
Total for Owner	\$225,000	\$375,000	\$315,000
Interest		15,000	
Subtotal for Owner	\$225,000	\$390,000	\$315,000
Expert Fees and Costs	\$25,290*	\$13,493	\$12,000
Statutory Attorney's Fees		\$49,500	\$29,700
Total		\$452,993	\$356,700

\*CFX's Expert Fees



## Recommendation

Please recommend to the Board approval of a settlement in the amount of \$356,700, including all claims of compensation arising from the taking of Parcel 250, severance damages, business damages, tort damages, interest, attorney's fees, attorney's costs, expert fees, expert costs, and any other claim, except supplemental attorney's fees under Section 73.092(2) for apportionment.

# Maps of Agenda Items

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4/13/2017  
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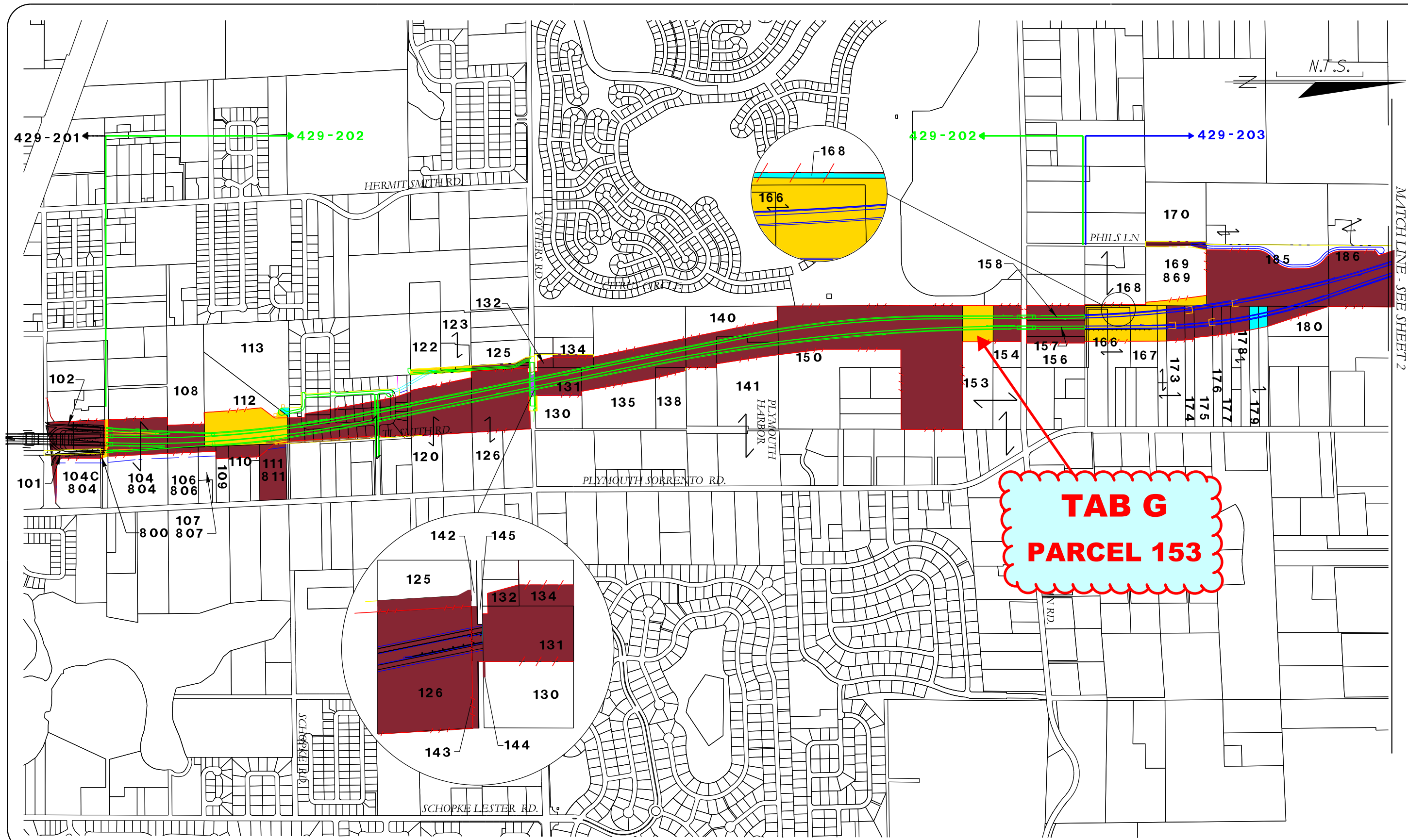
CENTRAL  
FLORIDA  
EXPRESSWAY  
AUTHORITY

WEKIVA PARKWAY

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

RIGHT-OF-WAY EXHIBIT  
April 26, 2017  
SUBJECT TO CHANGE

1  
OF  
5





dfalk  
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4/13/2017  
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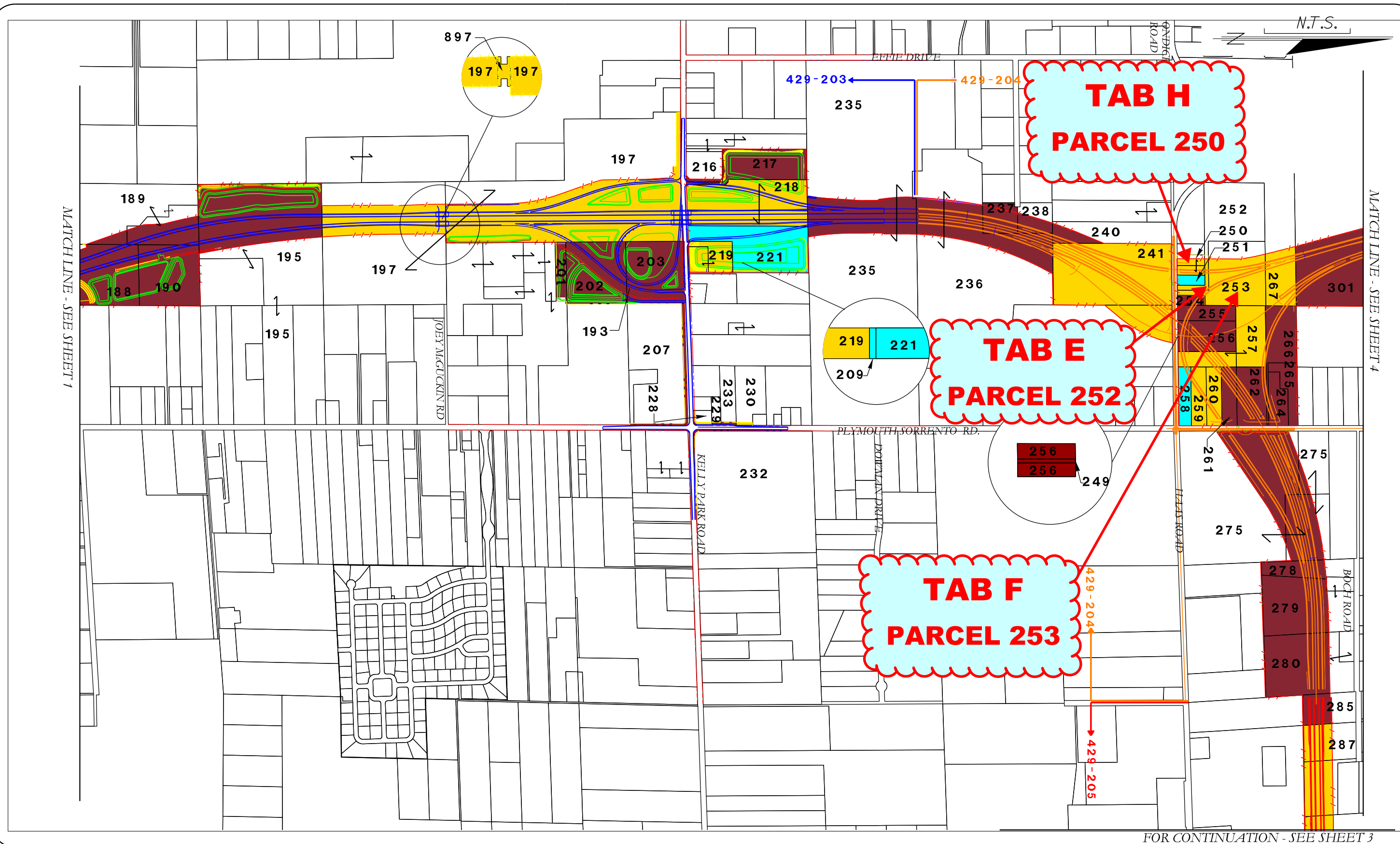
CENTRAL  
FLORIDA  
EXPRESSWAY  
AUTHORITY

WEKIVA PARKWAY

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

RIGHT-OF-WAY EXHIBIT  
April 26, 2017  
SUBJECT TO CHANGE




2  
OF  
5



CENTRAL  
FLORIDA  
EXPRESSWAY  
AUTHORITY

WEKIVA PARKWAY

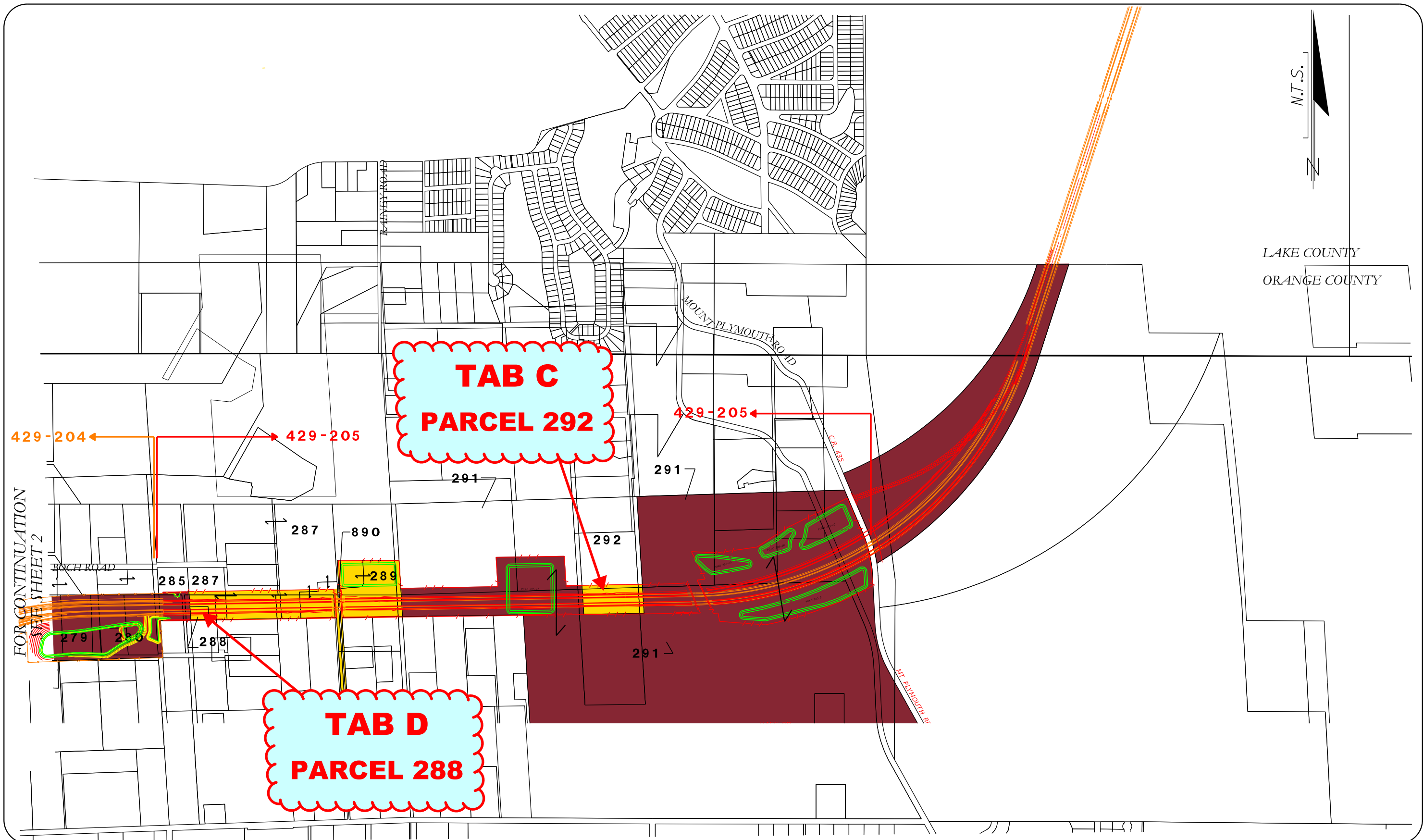
Legend

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

RIGHT-OF-WAY EXHIBIT

April 26, 2017

*SUBJECT TO CHANGE*

3  
OF  
5



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CENTRAL  
FLORIDA  
EXPRESSWAY  
AUTHORITY

WEKIVA PARKWAY

Legend

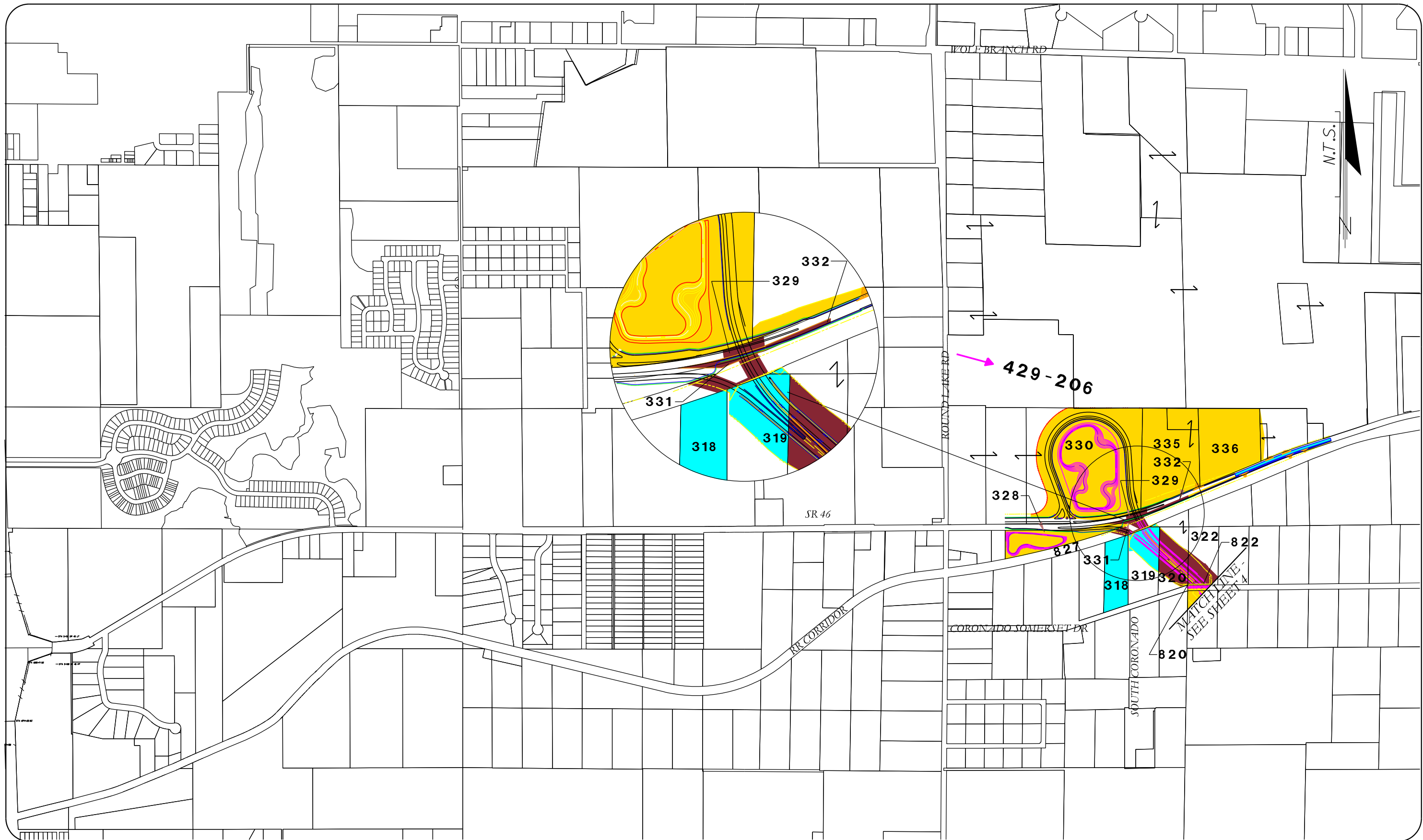
- ACQUIRED/COMPLETE
- ACQUIRED/PENDING LITIGATION
- ACQUIRED/PENDING FEES & COSTS

RIGHT-OF-WAY EXHIBIT

April 26, 2017

SUBJECT TO CHANGE

5  
OF  
5





# CFX Project Section Map

