

CENTRAL FLORIDA EXPRESSWAY AUTHORITY

MEMORANDUM

TO: CFX Board Members

FROM: Linda S. Brehmer Lanosa, Deputy General Counsel *Linda S. B.L.*

DATE: February 21, 2017

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

DESCRIPTION OF PARCEL 135

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

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

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

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

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

NEGOTIATIONS

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

Description	CFX	Proposed Settlement
Price per Acre	\$12,000	\$20,000
Land (8.334 acres)	\$100,000	\$166,680
Improvements	0	0
Percent Severance Damages	10%	10%
Severance Damages	\$ 25,000	\$ 38,114
Eastern Remainder: 8.772 acres		
Western Remainder 10.285 acres		
Total	\$125,000	\$205,000

REQUEST

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

The Right of Way Committee recommended approval on February 22, 2017.

ATTACHMENTS

Tax Map
Aerials and Photographs
Proposed Settlement Agreement

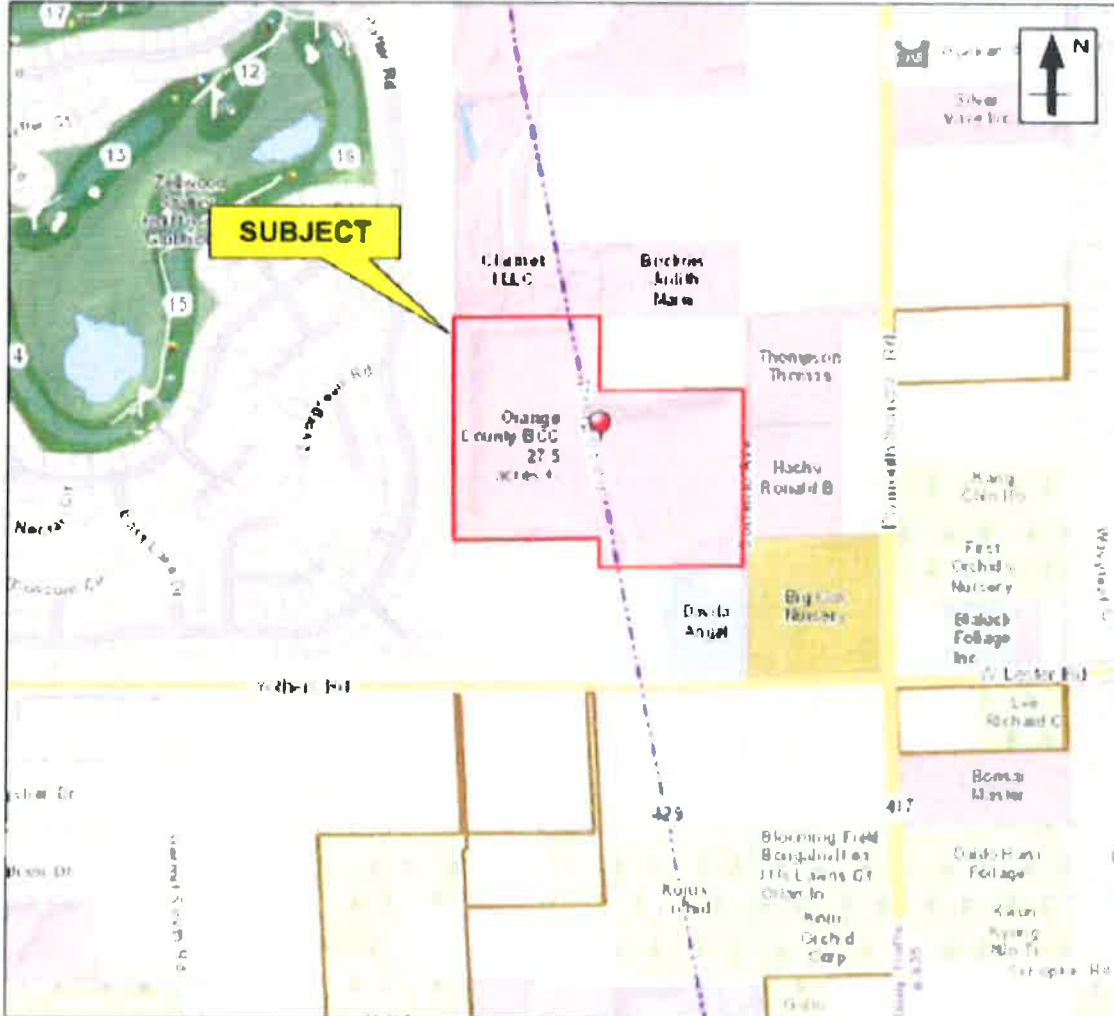
Reviewed by: Joseph F. Lassiatore

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

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

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TAX MAP



Approximate Representation
Source: Orange County Property Appraiser

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

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

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SUBJECT PHOTOGRAPHS



View of the parent tract facing west from Sorrento Ave



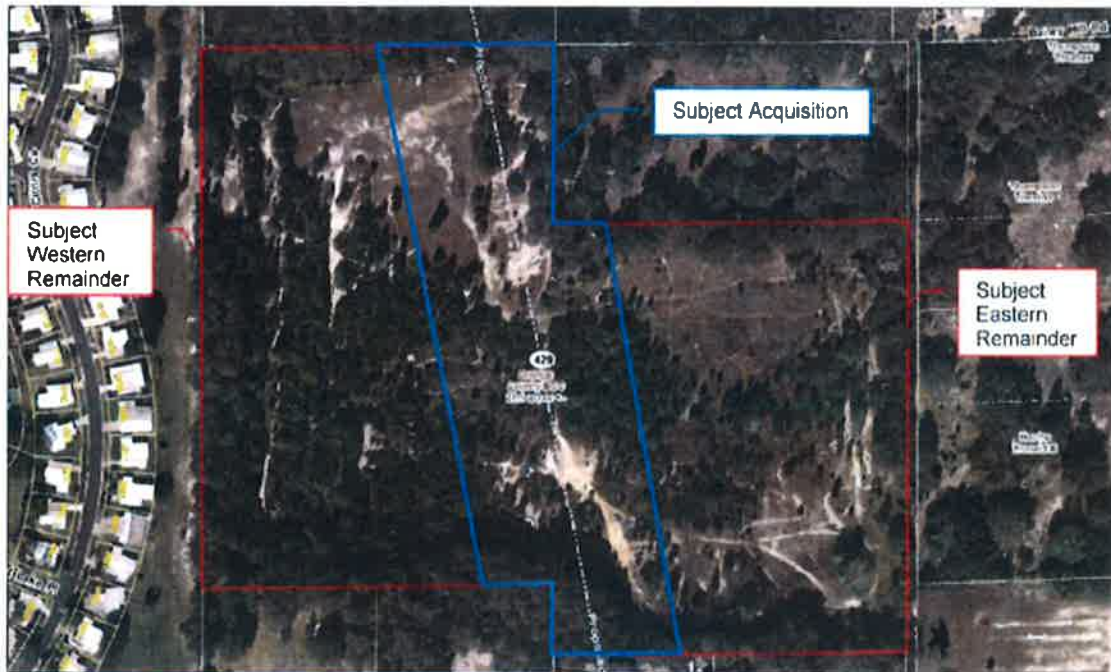
View of the central area of the parent tract facing northwest

Project: 429-202, Parcel 135
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PARCEL NO	135
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CITY/COUNTY	ORANGE

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AERIAL PHOTO (ACQUISITION)



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

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

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

Petitioner,

v.

CASE NO. 2014-CA-006812-O

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

Parcel 135

Division 39

Respondents.

PROPOSED SETTLEMENT AGREEMENT

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

1. Petitioner will pay to Respondent, Orange County, Florida ("Respondent") the sum of Two Hundred Five Thousand Dollars (\$205,000), in full settlement of all claims for compensation from Petitioner resulting from the taking of Parcel 135, including severance damages, interest, attorney's fees, expert fees, and costs.
2. Petitioner is entitled to a credit in the amount of One Hundred Twenty-Five Thousand Dollars (\$125,000), which sum was previously deposited in the Registry of the Court in this case by Petitioner.
3. Within twenty (20) days of the actual date of receipt by Petitioner's counsel of a conformed copy of the aforesaid Stipulated Final Judgment from the Court, Petitioner will deposit into the Registry of the Court the total amount of Eighty Thousand Dollars (\$80,000), which represents the difference between full compensation and the amount previously deposited.
4. This Agreement is contingent upon approval of the Central Florida Expressway Authority ("CFX") Right of Way ("ROW") Committee and the CFX Board of Directors and the approval of the Orange County Board of County Commissioners ("Orange County BCC"). Staff for both parties agree to submit this Agreement to their respective Boards at the next available meeting.


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


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

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


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


CENTRAL FLORIDA EXPRESSWAY
AUTHORITY


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


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

ORANGE COUNTY, FLORIDA


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


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