

CENTRAL FLORIDA EXPRESSWAY AUTHORITY

MEMORANDUM

TO: CFX Board Members

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

DATE: June 29, 2017

RE: *Central Florida Expressway Authority v. Cynthia A. Cioci*,
Case No. 2014-003636-O, Project: 429-203, **Parcel 169/869**
Address: 3150 Phils Lane Apopka, Florida (north of Ponkan Road, Apopka)

INTRODUCTION

The parties reached a proposed settlement in the amount of \$519,000 for compensation to the owner, \$14,000 for expert fees, and \$59,925 for statutory attorney's fees, for a total amount of **\$592,928** for the reasons described below.

CFX'S APPRAISED VALUE OF PARCEL 169/869

Parcel 169, Parts A and B, is a partial taking consisting of a total of 1.637 acres from a 10.169-acre parent tract that is improved with a single family residence. Part A involves the taking of a 1.127-acre strip along the east side of the property for the new limited access right of way. Part B is a strip-taking of 0.510 acres along the west property line for Phils Lane. Parcel 869 is an 8-foot wide perpetual easement adjacent to Part B consisting of 5,301 square feet or 0.122 acres. The date of value is June 16, 2014.

The property is improved with a one-story single-family home with three bedrooms, two baths, a living room, a dining room, and a kitchen in 2,517 square feet of living space. There is an attached six-car garage (2,816 square feet), a barn (672 square feet), a dirt/shell driveway, an entry gate, and fair landscaping. The property is zoned A-1 (Citrus Rural District).

David K. Hall, State-Certified General Appraiser, appraised the property on behalf of CFX. According to Mr. Hall, the highest and best use of the property is for continued use of the existing improvements. Mr. Hall first valued the parent tract before the taking. He estimated the fee simple market value of the land at \$30,000 per acre, resulting in a land value of \$305,100 for the 10.169-acre parent tract. Regarding improvements, the single family home was valued at \$95 per square foot of living area for a value of \$239,100. The unfinished area/enclosed porch was valued at half of that per square foot price for a value of \$95,900. The total value of the property was estimated at \$640,100.

Next, Mr. Hall estimated the value of the part taken. The two strips of land taken (1.127 plus 0.510 acres) were valued at \$30,000 per acre with values of \$33,800 and \$15,300, respectively. The value of the easement, Parcel 869 (0.122 acres), was based upon 95% of the per acre value for a value of \$3,500. Next, Mr. Hall examined the impacts to the remainder and concluded that there would be a 50% diminution in value or severance damages in the amount of \$293,700. The total estimated value of full compensation for the property is summarized below.

	CFX (Hall)
Land Value (per acre)	\$30,000
Land Taken, Parcel 169, Part A (1.127 acres)	\$33,800
Land Taken, Parcel 169, Part B (0.510 acres)	\$15,300
Subtotal of Parts A & B	\$49,100
Easement, Parcel 869 (0.122 ac)	\$ 3,500
Severance Damages (at 50%)	\$293,700
Total	\$346,300

**OWNER'S OPINION OF VALUE, EXPERT FEES,
AND STATUTORY ATTORNEY'S FEES**

Ms. Cioci's attorney consulted with real estate appraiser, Richard C. Dreggors, GAA, but did not request a written appraisal report from Mr. Dreggors. This allowed the parties to engage in preliminary negotiations before the owner incurred extensive expert fees and costs. Instead of delivering a completed appraisal report, Ms. Cioci's attorney presented a table of the anticipated differences between CFX's appraised value and Mr. Dreggors' anticipated value along with data on comparable sales and an engineering report from Tipton Associates Incorporated. According to the information presented, the property would be valued at \$50,000 per acre with a value for the land taken of \$81,900. The improvements were listed at \$398,500. In addition, Mr. Tipton valued the barbed hog wire fence within the area of take designated as Parcel 169A at \$8,400. Severance damages were based upon a 70% reduction of the value of the remainder due to the proximity of the expressway, resulting in a severance damage component of \$567,600. The total anticipated estimate of value for the taking is summarized below.

	Owner's Opinion
Land Value (per acre)	\$50,000
Land Taken, Parts A & B	\$ 81,900
Easement, Parcel 869 (0.122 acre)	\$ 5,800
Improvements (Fence)	\$ 8,400
Severance Damages (at 70%)	\$567,600
Subtotal	\$663,700
Interest	\$ 63,954
Total	\$727,654

In addition to compensation for the land taken, Ms. Cioci's attorney requested the following expert fees and costs:

Calhoun Dreggors and Associates	\$10,468
Tipton Associates, Inc.	<u>\$ 6,754</u>
Total	\$17,222

Regarding attorney's fees, the owner's attorney is entitled to 33% of any benefit up to \$250,000 plus 25% of any benefit between \$250,000 and \$1,000,000. The statutory attorney fee based upon the owner's opinion of value of \$663,700 is totals **\$101,575**.¹

ANALYSIS

Because the residence is 90 feet from the limited access line and 190 feet from the edge of the southbound travel lanes, both appraisers found that the remainder property would suffer significant severance damages due to the proximity of S.R. 429 to the single family residence. The appraisers' opinions varied in the degree of impact (50% vs. 70%) and differed with respect to land value (\$30,000 vs. \$50,000 per acre).

Through informal settlement discussions, the parties reached a proposed compromise as outlined in the table below.

	CFX	Owner	Proposed Settlement
Land Value (per acre)	\$30,000	\$50,000	
Parcel 169A & B (1.127 and 0.510 acres)	\$49,100	\$ 81,900	
Easement, Parcel 869 (0.122 acres)	\$ 3,500	\$ 5,800	
Improvements	0	\$ 8,400	
Severance Damages (at 50%)	\$293,700	\$567,600	
Compensation to the Owner	\$346,300	\$663,700	\$519,000
Expert Fees		\$ 17,222	\$ 14,000
Statutory Attorney's Fees		\$101,575	\$ 59,928
Interest		\$ 63,954	
Total		\$846,451	\$592,928

¹ The statutory attorney fee is based upon the monetary benefit. The momentary benefit on the owner's opinion of value of \$663,700 is \$326,300, since the first offer was \$337,400. The statutory attorney's fee is the sum of 33% times \$250,000 (\$82,500) plus 25% of \$76,300 (\$19,075), with a statutory attorney fee of totaling **\$101,575**.

REQUESTED ACTION

Board approval is requested to accept the Settlement Agreement in the amount of \$519,000 for compensation to the owner, \$14,000 for expert fees, and \$59,925 for statutory attorney's fees, for a total amount of **\$592,928** in full settlement of all claims of compensation from CFX including business damages, interest, attorney's fees, expert fees, costs, and any other claim, except supplemental attorney's fees under Section 73,092(2) for apportionment, if any.

The Right of Way Committee recommended approval on June 28, 2017.

Attachments:

- A. Table of Differences from Owner
- B. Maps, Aerials and Photographs of Property
- C. Owner's Expert Fees
- D. Settlement Agreement

cc: David Shontz, Esq., Shutts & Bowen

Reviewed by: _____



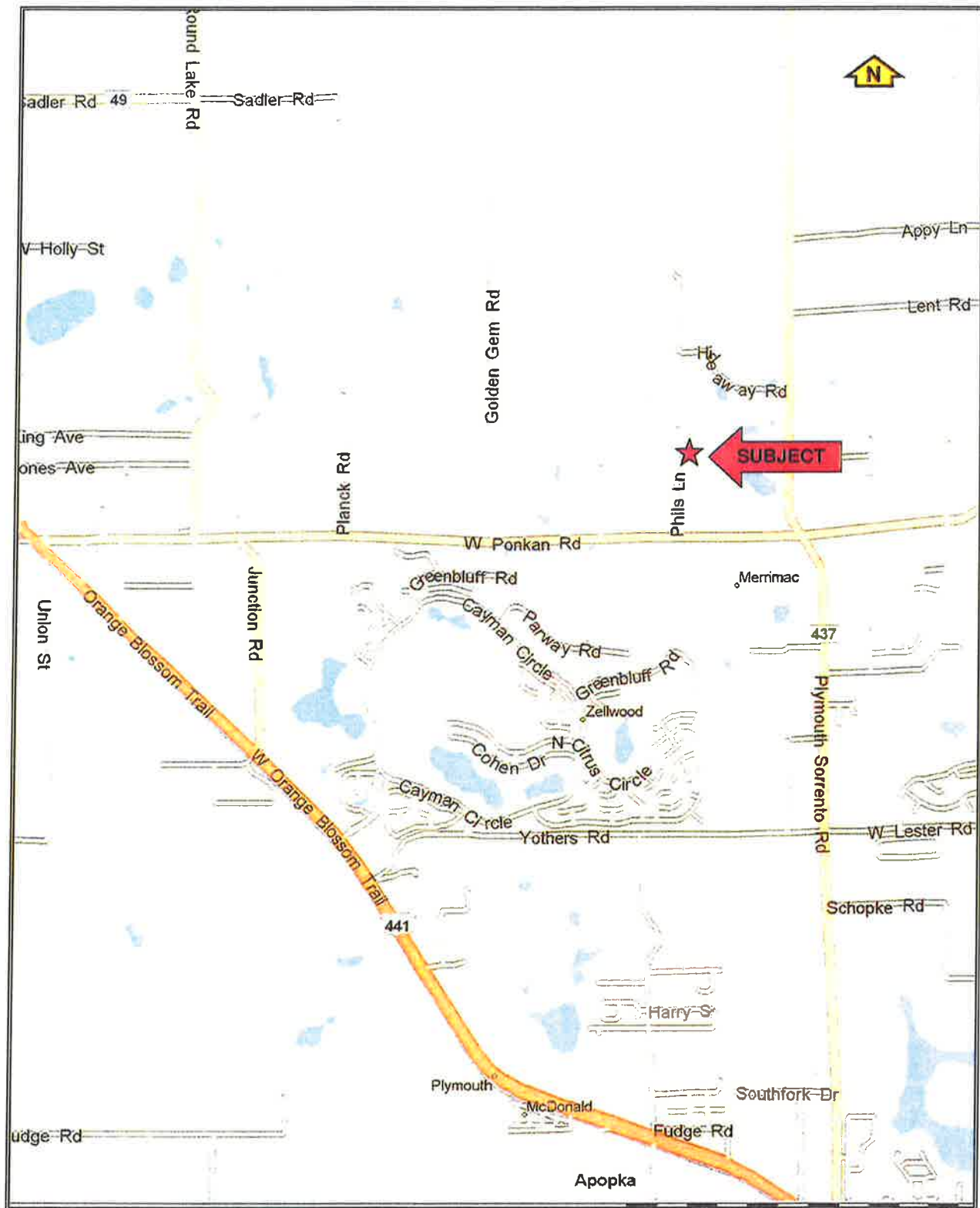
CIOC PROPERTY—WEKIVA PARKWAY DIFFERENCES¹

DRAFT

Parent Tract: 10.169 Acres
 Area of Taking: 169A – 1.127 Acres
 169B – 0.510 Acres
 869 – 0.122 Acres (5,301 SF)
 Date of Value: June 16, 2014

	<u>CFX</u> [Appraiser Hall]	<u>CIOC</u> [Appraiser Rick Dreggors]
Date of Value	October 15, 2013 and April 21, 2014	June 16, 2014
Parent Tract	\$ 624,900 Land: \$289,900 (\$28,500/acre) Imps: \$335,000	\$ 907,000 Land: \$ 508,500 (\$50,000/Ac.) Imps: \$ 398,500
Land Taken	169 A&B: \$ 46,800 [1.637 ACRES X \$28,500/ACRE] 869: \$ 3,300 [0.122 ACRES x 28,500/ACRE x 0.95]	\$ 81,900 (1.637 ACRES x \$50,000/Ac.) \$ 5,800 (0.122 ACRES x \$50,000/Ac. x 0.95)
Improvements	\$ 0	\$ 8,400 ²
Residence Distance From new ROW	90 ft.	90 ft.
Damage Percentage	50%	70%
Severance Damages	\$ 287,300	\$ 567,600
Cure	\$ 0	\$ 0
Total	\$ 337,400 ³	\$ 663,700
Interest	\$ 0	\$ 63,954
Grand Total	\$ 337,400	\$ 727,654

1. Exclusive of Attorney's Fees, Experts' Fees and Costs.
2. Barbed hog wire fencing.
3. First written offer was \$337,400, by letter dated February 17, 2014.



**SUBJECT LOCATION MAP
PARCELS 169/869**



AERIAL PHOTO
PARCELS 169/869

SIZE OF LAND:

Before: 10.169 Acres

Taking:

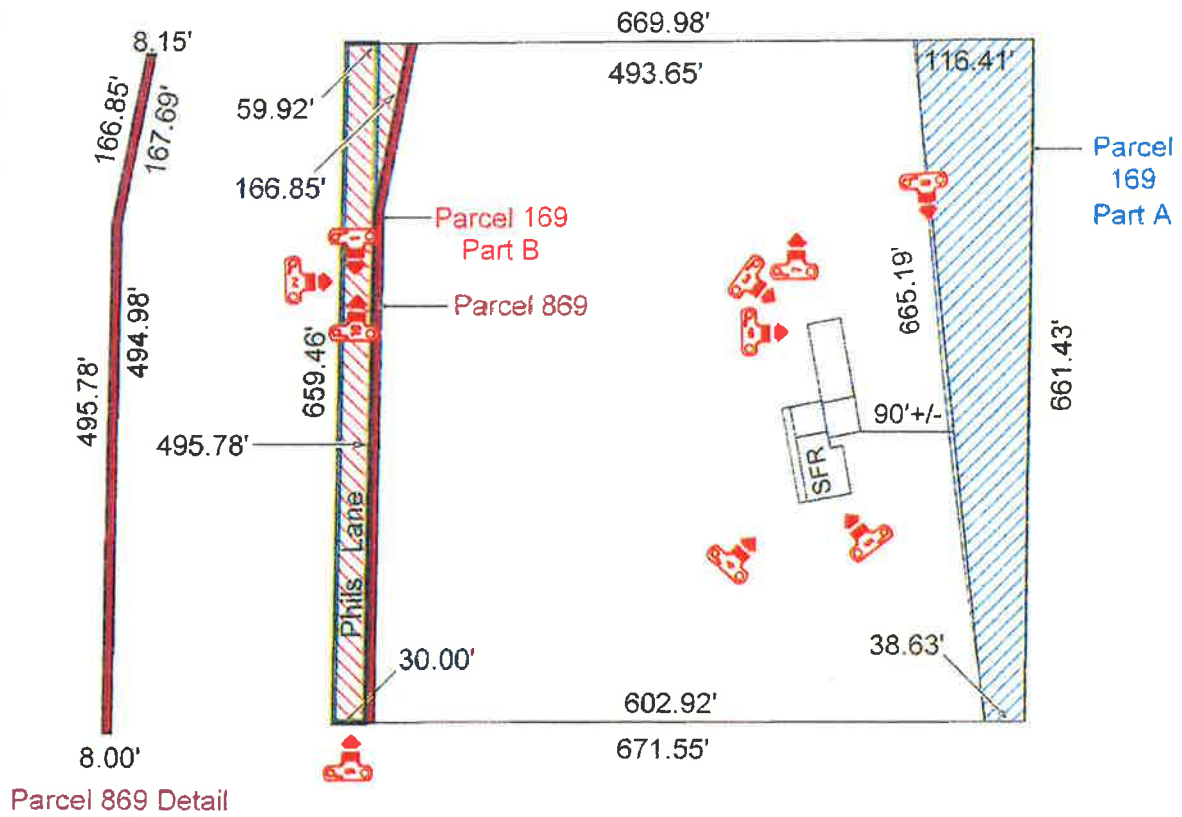
Part A: 1.127 Acres

Part B: .510 Acres

Total Take: 1.637 Acres

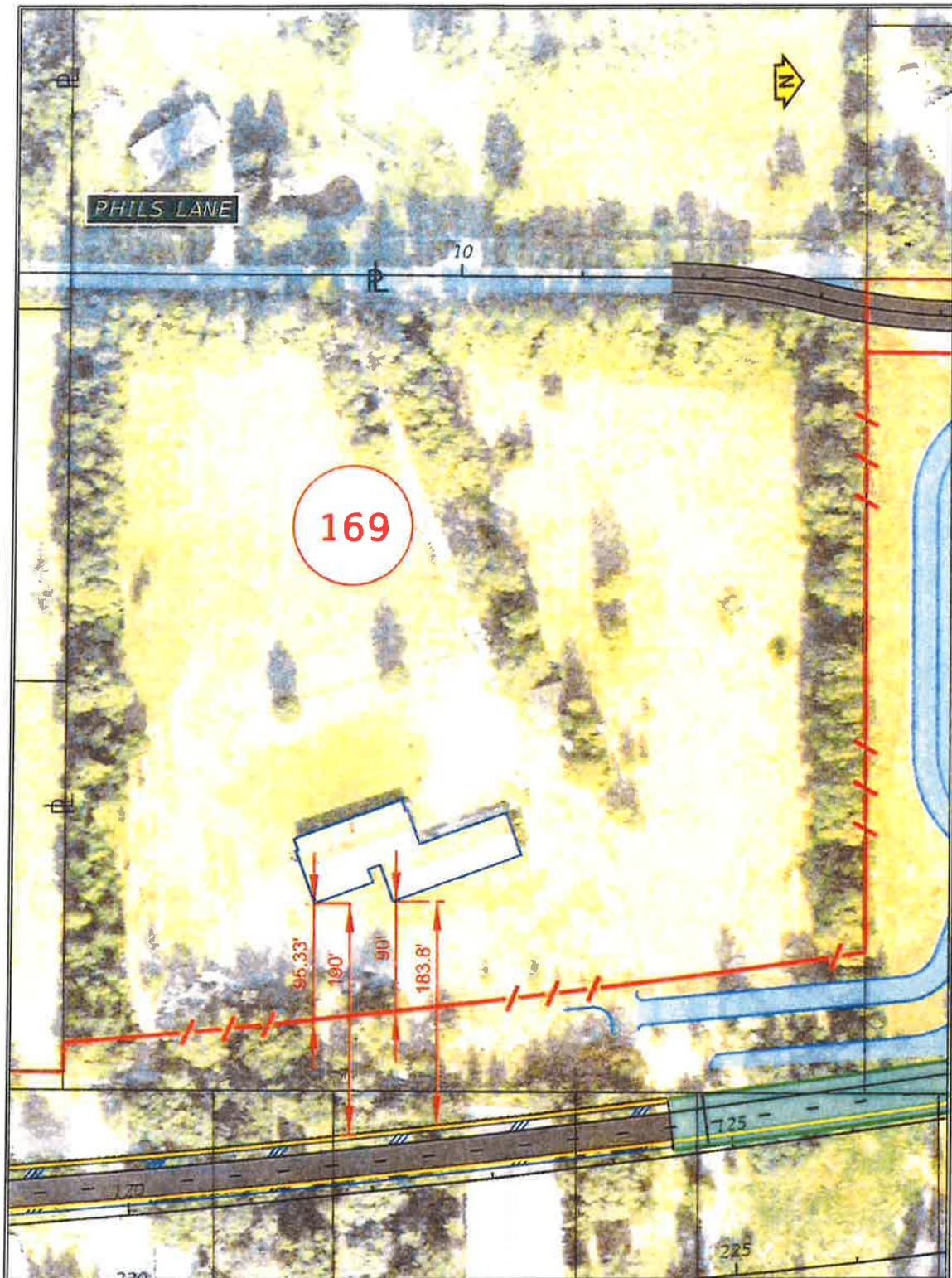
Remainder: 8.532 Acres

Parcel 869 (Perpetual Easement): .122 Acre (5,301 Square Feet)

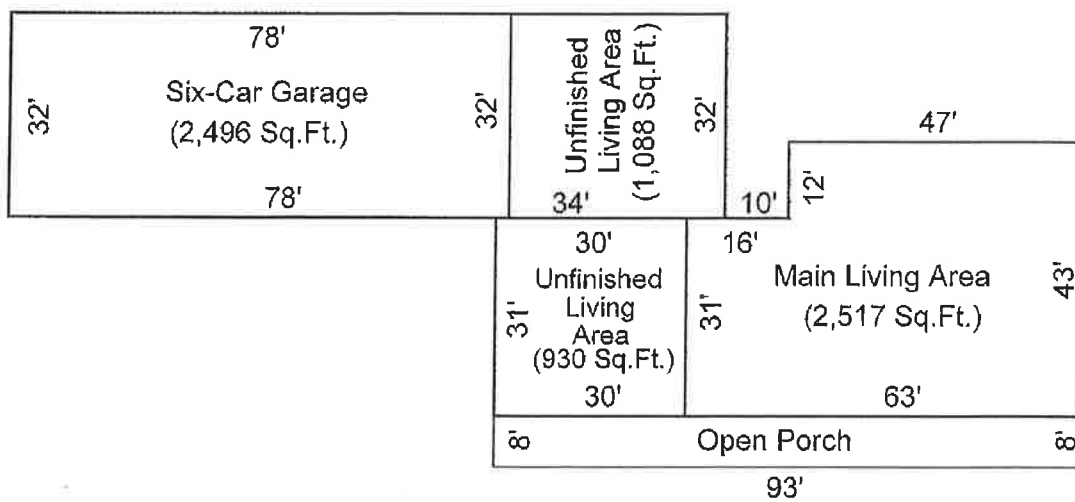


FOR VISUAL AID
NOT TO SCALE

PARCEL SKETCH
PARCELS 169/869



**DISTANCE TO RIGHT OF WAY SKETCH
PARCELS 169/869**



FOR VISUAL AID
NOT TO SCALE

**BUILDING SKETCH
PARCELS 169/869**

**PHOTOGRAPHS OF SUBJECT
PARCELS 169/869**



1. LOOKING SOUTH AT THE FRONTAGE ALONG
PHILS LANE (INGRESS/EGRESS EASEMENT)



2. LOOKING EAST AT THE DRIVEWAY FROM PHILS LANE

Photographs Taken By:
David K. Hall
August 14, 2014

**PHOTOGRAPHS OF SUBJECT
PARCELS 169/869**



9. LOOKING NORTH AT THE PART B TAKING



10. LOOKING NORTH AT THE PART B TAKING AT THE DRIVEWAY

Photographs Taken By:
David K. Hall
August 14, 2014

**PHOTOGRAPHS OF SUBJECT
PARCELS 169/869**



3. LOOKING SOUTHEAST AT THE RESIDENCE



4. LOOKING NORTHEAST AT THE RESIDENCE

Photographs Taken By:
Craig S. Adams
June 17, 2013

**PHOTOGRAPHS OF SUBJECT
PARCELS 169/869**



5. LOOKING NORTHWEST AT THE REAR OF THE RESIDENCE AND THE GARAGE



6. LOOKING EAST AT THE GARAGE

**PHOTOGRAPHS OF SUBJECT
PARCELS 169/869**



7. LOOKING NORTH AT THE BARN



8. LOOKING SOUTH ALONG THE PART A TAKING

Calhoun, Dreggors & Associates, Inc.

• Real Estate Appraisers & Consultants •

March 30, 2017

Kent L. Hipp Esq.
c/o GrayRobinson, P.A.
301 E. Pine Street, Suite 140
Orlando, FL 32802

RE: Owner: Cioci
Project: Wekiva Parkway
Parcel No.: 169A&B/869
County: Orange

INVOICE

Research sales, prepare for and attend conference calls/meetings with owner's representative, site inspection of the subject property, review valuation analysis, review single family home sales, analysis of land sales, analysis of home sales, conference with engineer, analysis of damages to the remainder, conference/meeting with owner's representative to review.

Eaton:	3.50 Hrs. x \$125/Hr. =	\$ 437
Abrams:	31.00 Hrs. x \$175/Hr. =	5,425
Dreggors:	16.75 Hrs. x \$275/Hr. =	<u>4,606</u>
Total		\$10,468

Thank you,

Richard C. Dreggors, GAA
President

RCD/smo

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

OWNER	CIOCI	KEVIN EATON
PROJECT	WEKIVA PARKWAY	
PARCEL(S)	169A&B/869	
COUNTY	ORANGE	

DATE	TYPE OF SERVICE	HOURS
03/04/14	PREPARED FOR AND ATTENDED MEETING WITH OWNER'S REPRESENTATIVE; WORKED ON MAP OF VALUES AND SPREADSHEET; ANALYZED ISSUES OF HIGHEST AND BEST USE.	1.50
03/05/14	GATHER INFORMATION ON THE SUBJECT PARCEL.	0.75
06/25/14	CONDUCTED A SITE INSPECTION OF THE SUBJECT PROPERTY.	<u>1.25</u>
	TOTAL HOURS	3.50

OWNER	CIOCI	COURTNEY ABRAMS SCHMIDT
PROJECT	WEKIVA PARKWAY	
PARCEL(S)	169A&B/869	
COUNTY	ORANGE	

DATE	TYPE OF SERVICE	HOURS
07/25/14	REVIEW OF NEARBY O/OCEA APPRAISALS.	2.50
11/20/15	MEETING WITH RICK TO REVIEW OUR SCOPE OF WORK; REVIEW ENGINEERING REPORT.	2.00
12/01/14	REVIEW OF SUBJECT MATERIAL AND FILE; ANALYSIS OF CONDEMNOR UPDATED APPRAISAL; MEETING WITH RICK.	4.50
12/02/14	RESEARCH SALES; ANALYSIS OF SALES.	4.75
01/16/15	REVIEW OF CONDEMNOR SALES AND DAMAGES.	3.25
02/23/15	RESEARCH/ANALYSIS OF SALES.	3.75
02/24/15	ANALYSIS OF DAMAGES/COMPENSATION.	3.50
02/26/15	MEETING WITH RICK TO REVIEW COMPENSATION ANALYSIS.	1.50
03/13/15	ANALYSIS OF SALES DATA.	2.00
06/27/15	MEETING WITH OWNER'S REPRESENTATIVE.	0.50
06/29/15	REVIEW NOTES FROM MEETING; PREPARE SALES DATA INFORMATION FOR OWNER'S REPRESENTATIVE.	<u>2.75</u>
	TOTAL HOURS	31.00

OWNER	CIOCI	RICHARD C. DREGGORS, GAA
PROJECT	WEKIVA PARKWAY	
PARCEL(S)	169A&B/869	
COUNTY	ORANGE	

DATE	TYPE OF SERVICE	HOURS
03/04/14	MEETING WITH OWNER'S REPRESENTATIVE; REVIEW VALUATION ISSUES; REVIEW CFX REPORT.	2.25
04/22/14	REVIEW DOCUMENTS TO PREPARE FOR MEETING WITH ENGINEER AND OWNER'S REPRESENTATIVE.	0.25
04/23/14	ANALYSIS OF SCOPE OF WORK; MEETING WITH EXPERTS/OWNER'S REPRESENTATIVE; REVIEW IMPACTS OF THE TAKING.	1.75
05/20/14	REVIEW UPDATED CFX REPORT.	1.25
06/25/14	PREPARE FOR AND MEET WITH EXPERTS AT THE SITE; CONFERENCE WITH OWNER'S REPRESENTATIVE.	1.25
07/25/14	REVIEW APPRAISALS OF NEARBY PARCELS BY O/OCEA APPRAISERS.	2.75
11/20/14	REVIEW TAI REPORT; REVIEW WITH ASSOCIATE.	1.25
12/01/14	ASSIST WITH VALUATION ANALYSIS; MEETING WITH ASSOCIATE; CONFERENCE WITH OWNER'S REPRESENTATIVE.	2.50
02/25/15	REVIEW PRELIMINARY VALUATION ANALYSIS FOR THE SUBJECT.	1.25
02/26/15	ANALYSIS OF LAND VALUES; REVIEW SINGLE FAMILY HOME SALES; DISCUSS WITH ASSOCIATE.	1.00
06/27/15	MEETING WITH OWNER'S REPRESENTATIVE.	0.50
12/08/16	CONFERENCE WITH OWNER'S REPRESENTATIVE REGARDING NEARBY PARCELS AND VALUES.	<u>0.75</u>
TOTAL HOURS		16.75

**STATEMENT OF WORK ACCOMPLISHED
CIOC ROW – WEKIVA PKWY
4-516.1**

<u>Invoice No.</u>	<u>Date</u>	<u>Amount</u>
15580	05-06-14	1,462.50
15651	11-04-14	1,579.40
15673	12-09-14	675.00
16031	02-06-17	3,037.50
TOTAL AMOUNT DUE:		\$6,754.40

STATEMENT OF WORK ACCOMPLISHED
CIOCI ROW – WEKIVA PKWY
4-516.1

Invoice No. 15580, May 6, 2014 - \$1,462.50

04/23-24/14 William E. Tipton, Jr. (WTJ) attended team meeting, downloaded plans and appraisal from OOCEA and attorney, reviewed plans and appraisal (5.5 hours)
04/29/14 WTJ downloaded and reviewed plans and information from attorney (1.0 hour)

Invoice No. 15651, November 4, 2014 - \$1,579.40

05/29/14 William E. Tipton, Jr. (WTJ) reviewed plans and information from OOCEA and attorney (1.0 hour)
06/25/14 WTJ conducted site meeting with Rick Dreggors (1.0 hour)
10/13/14 WTJ corresponded with attorney and owner on taking impact issues (1.0 hour)
10/16/14 WTJ reviewed updated plans from CFX, attended site meeting with owner regarding taking issues and potential cure (3.0 hours)
10/28/14 WTJ downloaded and reviewed new plans from CFX (1.0 hour)

Invoice No. 15673, December 9, 2014 - \$675.00

11/19-20/14 William E. Tipton, Jr. (WTJ) worked on draft letter report and drawings (3.0 hours)

Invoice No. 16031, February 6, 2017 - \$3,037.50

12/07/16 William E. Tipton, Jr. (WTJ) attended team at attorney's office (2.0 hours)
12/15/16 WTJ updated draft letter report and drawings per team meeting (2.0 hours)
01/19-20/17 WTJ updated draft report and drawings, emailed draft report and drawings to attorney (6.5 hours)
01/23-24/17 WTJ conducted field review, updated draft engineering report, emailed draft report and drawings to attorney (3.0 hours)



Tipton Associates Incorporated

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

Invoice Number: 15580

May 06, 2014

Page number 1

Project 4516: Cioci ROW - Wekiva Pkwy

Kent L Hipp, Esq.
Gray Robinson
P.O. Box 3068
Orlando, FL 32802-3068

Professional Services for the period ended April 30, 2014

Project 4516:1 Parcels 169 & 869

Professional Services

Chief Engineer/Planner

Hours	Rate	Amount
6.50	\$225.00	\$1,462.50
Services Total		<u>\$1,462.50</u>
Charges Subtotal		<u>\$1,462.50</u>
Invoice Total		<u>\$1,462.50</u>



Tipton Associates Incorporated

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

Invoice Number: 15651

November 04, 2014

Page number 1

Project 4516: Cioci ROW - Wekiva Pkwy

Kent L Hipp, Esq.
Gray Robinson
P.O. Box 3068
Orlando, FL 32802-3068

Professional Services for the period ended October 31, 2014

Project 4516:1 Parcels 169 & 869

Professional Services

Chief Engineer/Planner

Hours	Rate	Amount
7.00	\$225.00	\$1,575.00
Services Total		<u>\$1,575.00</u>

Reimbursable Expense

Tolls

	Amount
	<u>\$4.40</u>
Reimbursable Total	<u>\$4.40</u>
Charges Subtotal	<u>\$1,579.40</u>
Invoice Total	<u>\$1,579.40</u>

Outstanding Invoices	Number	Date	Amount
Invoice	15580	5/6/2014	\$1,462.50

Total Unpaid Invoices **\$1,462.50**

Balance Due **\$3,041.90**



Tipton Associates Incorporated

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

Invoice Number: 15673
December 09, 2014
Page number 1

Project 4516: Cioci ROW - Wekiva Pkwy

Kent L Hipp, Esq.
Gray Robinson
P.O. Box 3068
Orlando, FL 32802-3068

Professional Services for the period ended November 30, 2014

Project 4516:1 Parcels 169 & 869

Professional Services

Chief Engineer/Planner

Hours	Rate	Amount
3.00	\$225.00	\$675.00
Services Total		\$675.00
Charges Subtotal		\$675.00
Invoice Total		\$675.00

Outstanding Invoices	Number	Date	Amount
Invoice	15580	5/6/2014	\$1,462.50
Invoice	15651	11/4/2014	\$1,579.40

Total Unpaid Invoices \$3,041.90

Balance Due \$3,716.90

**Tipton Associates Incorporated**

760 Maguire Blvd

Orlando, FL 32803-

Tel: 407-894-2055 Fax: 407-896-9949

Invoice Number: 16031

February 06, 2017

Page number 1

Project 4516: Cioci ROW - Wekiva Pkwy

Kent L Hipp, Esq.

Gray Robinson

P.O. Box 3068

Orlando, FL 32802-3068

Professional Services for the period ended January 31, 2017

Project 4516:1 Parcels 169 & 869

Professional Services

Chief Engineer/Planner

Hours	Rate	Amount
13.50	\$225.00	\$3,037.50
Services Total		<u>\$3,037.50</u>
Charges Subtotal		<u>\$3,037.50</u>
Invoice Total		<u>\$3,037.50</u>

Outstanding Invoices	Number	Date	Amount
Invoice	15580	5/6/2014	\$1,462.50
Invoice	15651	11/4/2014	\$1,579.40
Invoice	15673	12/9/2014	\$675.00

Total Unpaid Invoices **\$3,716.90****Balance Due** **\$6,754.40**

STATEMENT OF WORK ACCOMPLISHED
CIOCI ROW – WEKIVA PKWY
4-516.1

<u>Invoice No.</u>	<u>Date</u>	<u>Amount</u>
15580	05-06-14	1,462.50
15651	11-04-14	1,579.40
15673	12-09-14	675.00
TOTAL AMOUNT DUE:		3,716.90

**Tipton Associates Incorporated**

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

Invoice Number: 15580

May 06, 2014

Page number 1

Project 4516: Cioci ROW - Wekiva Pkwy

Kent L Hipp, Esq.
Gray Robinson
P.O. Box 3068
Orlando, FL 32802-3068

Professional Services for the period ended April 30, 2014

Project 4516:1 Parcels 169 & 869

Professional Services

Chief Engineer/Planner

Hours	Rate	Amount
6.50	\$225.00	\$1,462.50
Services Total		\$1,462.50
Charges Subtotal		\$1,462.50
Invoice Total		\$1,462.50

**Tipton Associates Incorporated**

760 Maguire Blvd

Orlando, FL 32803-

Tel: 407-894-2055 Fax: 407-896-9949

Invoice Number: 15651

November 04, 2014

Page number 1

Project 4516: Cioici ROW - Wekiva Pkwy

Kent L Hipp, Esq.

Gray Robinson

P.O. Box 3068

Orlando, FL 32802-3068

Professional Services for the period ended October 31, 2014

Project 4516:1 Parcels 169 & 869

Professional Services

Chief Engineer/Planner

Hours	Rate	Amount
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7.00	\$225.00	\$1,575.00
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Services Total		\$1,575.00
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Reimbursable Expense

Tolls

Amount

\$4.40

Reimbursable Total	\$4.40
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Charges Subtotal	\$1,579.40
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Invoice Total	\$1,579.40
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Outstanding Invoices	Number	Date	Amount
Invoice	15580	5/6/2014	\$1,462.50

Total Unpaid Invoices	\$1,462.50
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Balance Due	\$3,041.90
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Tipton Associates Incorporated

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

Invoice Number: 15673

December 09, 2014

Page number 1

Project 4516: Cioci ROW - Wekiva Pkwy

Kent L Hipp, Esq.
Gray Robinson
P.O. Box 3068
Orlando, FL 32802-3068

Professional Services for the period ended November 30, 2014

Project 4516:1 Parcels 169 & 869

Professional Services

Chief Engineer/Planner

Hours	Rate	Amount
3.00	\$225.00	\$675.00
Services Total		\$675.00
Charges Subtotal		\$675.00
Invoice Total		\$675.00

Outstanding Invoices	Number	Date	Amount
Invoice	15580	5/6/2014	\$1,462.50
Invoice	15651	11/4/2014	\$1,579.40

Total Unpaid Invoices **\$3,041.90**

Balance Due **\$3,716.90**

STATEMENT OF WORK ACCOMPLISHED
CIOCI ROW – WEKIVA PKWY
4-516.1

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11/19-20/14 William E. Tipton, Jr. (WTJ) worked on draft letter report and drawings (3.0 hours)

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

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

CASE NO: 2014-CA-003636-0

Subdivision 39

Petitioner,

Parcel 169/869*

vs.

PEDRO DIAZ-BORDON,
et. al.

Respondent(s).

SETTLEMENT AGREEMENT

Respondent(s), CYNTHIA A. CIOCI,
and representatives of the Central Florida Expressway Authority reached the following
Settlement Agreement:

1. Petitioner will pay to Respondent(s), CYNTHIA A. CIOCI

(referred to as "Respondent") the sum of Five Hundred Nineteen Thousand
Dollars

exactly (\$ 519,000), in full settlement of all claims for compensation from Petitioner
whatsoever for the taking of Parcel 169/869, 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 THREE HUNDRED THIRTY-SEVEN THOUSAND FOUR HUNDRED
Dollars (\$ 337,400). 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 ONE HUNDRED
EIGHTY-ONE THOUSAND SIX HUNDRED Dollars
exactly (\$ 181,600), 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 referenced in Paragraph 1 of this Settlement
Agreement, Petitioner will pay to the trust account of Respondent's attorney the sum of
Fifty-Nine Thousand Nine Hundred Twenty-Eight Dollars
(\$ 59,928) 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

*Note: Parcel 169/869 was consolidated with this case.
It was originally filed with CFX v. Reid, case # 2014-CA-
3698.

case, but excluding supplemental proceedings related to apportionment, if any.

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 Fourteen Thousand

Dollars

(\$14,000) 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:

TIPTON ASSOCIATES, INC. \$6000.00

CALHOUN, DREGGORS,
+ ASSOCIATES, INC. \$8,000.00

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 169/R69, severance damages, business damages, ~~lost 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.

12th day of May, 2017, contains all the agreements of the parties.

Linda L. Lanosa
Print Name: LINDA LANOSA
Central Florida Expressway Authority

Daniel Skontz
Print Name: Daniel Skontz
Counsel for CFX

Print Name: _____
Mediator

Cynthia A. Clark
Print Name: Cynthia A. Clark
Owner

Print Name: _____
Owner

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