

CENTRAL FLORIDA EXPRESSWAY AUTHORITY

AGENDA CENTRAL FLORIDA EXPRESSWAY AUTHORITY RIGHT OF WAY COMMITTEE

January 23, 2019

2:00 p.m.

Meeting location: Central Florida Expressway Authority Board Room
4974 ORL Tower Road, Orlando, FL 32807

1. CALL TO ORDER

2. PUBLIC COMMENT

Pursuant to Section 286.0114, Florida Statutes, 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

Requesting approval of the October 24, 2018 minutes.

Action Item.

4. S.R. 429, WEKIVA PARKWAY PROJECT 429-205, PARCEL 289

OWNER: CENTRAL FLORIDA EXPRESSWAY AUTHORITY

EASEMENT HOLDER: KENNETH AND HARVEY MORRIS

– David A. Shontz, *Shutts & Bowen*

Requesting the Committees' recommendation for Board approval of the proposed conveyance of a non-exclusive ingress/egress easement to the Respondents including a total settlement of all attorney's fees and litigation costs and experts' fees and cost.

Action Item.

5. S.R. 453, PROJECT 429-206, PARCELS 314/315

OWNER: MAX ROBERT GARRISON

–Suzanne M. Driscoll, *Shutts & Bowen*

–Presenting David A. Shontz, *Shutts & Bowen*

Requesting the Committee's recommendation for Board approval of the proposed settlement agreement as to all claims for compensation and all attorney's fees, experts' fee and litigation costs.

Action Item.

**AGENDA
CENTRAL FLORIDA EXPRESSWAY AUTHORITY
RIGHT OF WAY COMMITTEE**

January 23, 2019

2:00 p.m.

**Meeting location: Central Florida Expressway Authority Board Room
4974 ORL Tower Road, Orlando, FL 32807**

6. **S.R. 429 WEKIVA PARKWAY PROJECT 429-204, PARCEL 242**
OWNER: LARRY M. EVERLY, SR.
–Suzanne M. Driscoll, *Shutts & Bowen*
–Presenting David A. Shontz, *Shutts & Bowen*
Requesting the Committee's recommendation for Board Approval to settle the last outstanding expert fee, supplemental attorneys' fees and costs incurred in connection with the litigation of parcel 242.
Action Item.

7. **S.R. 429-202 WEKIVA PARKWAY PROJECT 429-202 PARCEL 800 (PARTS A AND B)**
UNDIVIDED FEE INTEREST IN SOUTHFORK DRIVE
OWNERS: EARL AND ADELAIDA WILSON (2/8 INTEREST)
Requesting the Committee's recommendation for Board Approval of an all-inclusive settlement.
– Linda S. Brehmer Lanosa, *CFX*
Action Item

8. **S.R. 429-202 WEKIVA PARKWAY PROJECT 429-202 PARCEL 800 (PARTS A AND B)**
UNDIVIDED FEE INTEREST IN SOUTHFORK DRIVE
OWNERS: FREDDIE JONES, THE LATE EULA JONES AND, SANDRA JONES
(1/8 INTEREST)
Requesting the Committee's recommendation for Board Approval of an all-inclusive settlement.
– Linda S. Brehmer Lanosa, *CFX*
Action Item

9. **525 SOUTH MAGNOLIA AVENUE**
OWNER: CENTRAL FLORIDA EXPRESSWAY AUTHORITY
LEASE AMENDMENT
–*Joseph L. Passiatore, CFX*
Requesting the Committee's recommendation for Board Approval for a Lease Amendment.
Action Item

10. **OTHER BUSINESS**

**AGENDA
CENTRAL FLORIDA EXPRESSWAY AUTHORITY
RIGHT OF WAY COMMITTEE**

January 23, 2019

2:00 p.m.

**Meeting location: Central Florida Expressway Authority Board Room
4974 ORL Tower Road, Orlando, FL 32807**

11. 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 ext. 5316 or by email at Iranetta.dennis@CFXway.com at least three business days prior to the event.

CENTRAL FLORIDA EXPRESSWAY AUTHORITY

MINUTES
CENTRAL FLORIDA EXPRESSWAY AUTHORITY
Right of Way Committee Meeting
October 24, 2018

Location: CFX Headquarters Boardroom
4974 ORL Tower Road
Orlando, Florida 32807

Committee Members Present:

Jean Jreij, Seminole County, Committee Chairman
Laurie Botts, City of Orlando Representative
Bob Babcock, Orange County Alternative Representative
Frank Raymond, Osceola County Representative
Brian Sheahan, Lake County Representative
John Denninghoff, Brevard County Representative
Christopher Murvin, Citizen Representative

CFX Staff Present at Dais:

Joseph L. Passiatore, General Counsel
Joseph Berenis, Chief of Infrastructure
Linda S. Brehmer Lanosa, Deputy General Counsel
Mala Iley, Recording Secretary

Item 1: CALL TO ORDER

The meeting was called to order at 2:02 p.m. by Chairman Jreij.

Item 2: PUBLIC COMMENT

John Reich, from Reich Properties submitted public comment card on item 4.

Public comment was delayed and addressed during item 4.

Item 3: APPROVAL OF MINUTES

A motion was made by Mr. Raymond and seconded by Mr. Murvin to approve the July 25, 2018 Right of Way Committee meeting minutes as presented.

Vote: The motion carried unanimously with seven (7) members present and voting AYE by voice vote.

Item 4: S.R. 417 PROJECT 455, PARTIAL 45-502
OWNERS: ORANGE COUNTY, FLORIDA
OWNER OF LIMITED ACCESS LINE: CENTRAL FLORIDA EXPRESSWAY AUTHORITY

Ms. Brehmer Lanosa is requesting the Committee's recommendation for Board approval of the Limited Access Line Relocation Agreement and Resolution Authorizing the Establishment and Partial Release of Limited Access Line, ("L/A") and Sale at the appraised value of Ninety-Six Thousand Five hundred dollars (\$96,500.00), in accordance with CFX's Policy, subject to following conditions: separate notice to the local government in which the parcel is located is not required, the western L/A line will not be released until the Eastern L/A is established in CFX's favor, the appropriate certificate is received from CFX's General Engineering Contractor, ("GEC") and the Resolution takes effect upon the conveyance and establishment of the Eastern L/A line.

Ms. Brehmer Lanosa detailed the history of the strip of Property along the northwest corner of State Road 417 and Narcoossee Road ("Property") and the issues.

Public Comment

Chairman Jreij next recognized Mr. John Reich from Reich Properties. Mr. Reich is the owner of the abutting property.

Mr. Reich advised that the property sits back 15 feet off the sidewalk. Mr. Reich advised that he had a survey done of the Property and there are no utilities that are outside of the property. Mr. Reich advised that there is a water line in the existing right of way.

Ms. Botts addressed the Committee with concerns new easements should be recorded prior to conveyance of the Property. She suggested that the Committee add language to the motion that would protect both the City and the County. Ms. Botts advised that there are a lot of utilities running under and around the Property.

Ms. Botts as the Real Estate Manager of Orlando advised that the City's Transportation Department determined that the City no longer needs that portion of the right of way to expand Narcoossee Road.

The City's Transportation staff provided Ms. Botts with a Utility Adjustment Sheet. This document was submitted to the Recording Secretary and made a part of the record. The document provided will be attached to the minutes as Exhibit A.

Ms. Botts expressed her concerns regarding utilities within the Property as it does appear there are utilities running 20 feet in from the sidewalk. Public Works staff is not sure if this is located within a City services easement. The City needs to make sure that if the property is conveyed, the City needs assurance that an easement would be recorded.

Mr. Reich advised that there has been a survey done of the Property and there are no City utilities. There is a water line in the existing right of way.

Discussion ensued.

Ms. Botts suggested that the County and the City do their own search and verify the documents that have been provided. Mr. Babcock agreed with this suggestion.

Ms. Botts is not asking for anything more, but only asking for rights for existing utilities.

Discussion ensued.

Ms. Botts asked Mr. Reich if he is representing that there are no utilities and Mr. Reich answered in the affirmative. Ms. Botts asked if Mr. Reich had completed a locate on the property and he replied yes.

Ms. Botts offered the option of possibly differing this item. General Counsel Joseph L. Passiatore recommended that the Committee not defer this item and add the condition that a utilities easement be conveyed at the time of closing with the County.

Ms. Botts agreed with Mr. Passiatore's suggestion. Ms. Botts advised that the City and County would expedite the search.

A motion was made by Mr. Babcock and seconded by Mr. Raymond to recommend to the Board approval of the Limited Access Line Relocation Agreement and Resolution Authorizing the Establishment and Partial Release of Limited Access Line and Sale at the appraised value of Ninety-Six Thousand Five hundred dollars (\$96, 500.00), in accordance with CFX's Policy, subject to following conditions: separate notice to the local government in which the Parcel is located is not required, the Western L/A line will not be released until the Eastern L/A is established in CFX's favor, the appropriate certificate is received from CFX's GEC and the Resolution takes effect upon the conveyance and establishment of the Eastern L/A line. The following condition was added: Subject to a review, and if necessary, the recording of new easements to protect the existing utilities currently in place.

Vote: The motion carried unanimously with seven (7) members present and voting AYE by voice vote.

Item 5: S.R. 429 WEKIVA PARKWAY PROJECT 429-202, STANTON RIDGE REPLAT
OWNERS: CENTRAL FLORIDA EXPRESSWAY AUTHORITY

Ms. Brehmer Lanosa is requesting the Committee's recommendation for Board approval of the Stanton Ridge Developer's Agreement between City of Apopka and CFX and the Stanton Ridge Replat.

Ms. Brehmer Lanosa provided the Committee with a PowerPoint presentation describing the background of the property.

In order to vacate the local roads underneath the newly constructed Wekiva Parkway and to dedicate the

rerouted or extended local roads to the City of Apopka, it is necessary to replace the existing Stanton Ridge Subdivision Plat with a revised plat.

The City of Apopka has already approved the form of the Stanton Ridge Developer's Agreement.

A motion was made by Mr. Sheahan and seconded by Mr. Babcock to recommend to the Board approval of the Stanton Ridge Developer's Agreement between the City of Apopka and Central Florida Expressway Authority in a form substantially similar to the attached agreement, the Stanton Ridge Replat, and any additional or ancillary documents to finalize the replatting process.

Vote: The motion carried unanimously with seven (7) members present and voting AYE by voice vote.

**Items 6: S.R. 528, MULTI-MODAL CORRIDOR PROJECT 528-1240, PARCEL 109
OWNER: CENTRAL FLORIDA EXPRESSWAY AUTHORITY
EASEMENT OWNERS: LOCKHEED MARTIN CORP. AND FARMLAND RESERVE, INC.**

Ms. Keeter is requesting the Committee's recommendation for Board Approval of the Amendment to the Reciprocal Access and Utility Easement Agreement between Lockheed Martin Corporation, Farmland Reserve, Inc., and Central Florida Expressway Authority.

Deborah D. Keeter, from Dewberry Engineering Inc., provided the Committee with a PowerPoint presentation describing the background of the parcel. Ms. Keeter advised that this is a cleanup matter and dissipates any possible cloud on CFX's title.

A motion was made by Mr. Sheahan and seconded by Mr. Babcock to recommend to the Board approval of the Amendment to the Reciprocal Access and Utility Easement Agreement between Lockheed Martin Corporation, Farmland Reserve, Inc., and Central Florida Expressway Authority.

Vote: The motion carried unanimously with seven (7) members present and voting AYE by voice vote.

Item 8: OTHER BUSINESS

Mr. Passiatore advised the Committee that the December 19, 2018 meeting will be cancelled. The next Committee Meeting will be held on November 28, 2018.

Item 9: ADJOURNMENT

Chairman Jreij adjourned the meeting at approximately 2:39 p.m.

Minutes approved on _____, 2019.


Pursuant to the Florida Public Records Law and Central Florida Expressway Authority Records and Information Management Program Policy, audio tapes of all Board and applicable Committee meetings are maintained and available upon request to the Custodian of Public Records at (407) 690-5326, publicrecords@CFXWay.com or 4974 ORL Tower Road, Orlando, Florida 32807.

DRAFT



MEMORANDUM

TO: Central Florida Expressway Authority CLIENT-MATTER NO.: 19125.0140
 Right of Way Committee Members

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

DATE: January 9, 2019

RE: State Road 429 Wekiva Parkway, Project 429-205; Parcel 289 (Morris)
 Date of Good Faith Deposit: August 10, 2015
 Proposed Settlement Agreement

Shutts & Bowen LLP, Right of Way Counsel, seeks the recommendation of the Right of Way Committee for approval by the CFX Board of a settlement between Kenneth W. Morris and Harvey Lee Morris (“Respondents”) and the Central Florida Expressway Authority (the "CFX") regarding the acquisition of Parcel 289 (the "Taking" or "Property") for the construction of State Road 429 Wekiva Parkway, Project 429-205.

DESCRIPTION AND BACKGROUND

Parcel 289 is a fee simple whole taking of 10.078 acres, consisting of Part A containing 8.250 acres for limited access right-of-way, and Part B containing 1.828 acres for right-of-way purposes. The property is located approximately 1,220 feet north of Haas Road and east of Plymouth Sorrento Road in Apopka, Orange County, Florida.

Access to the property from Haas Road is via a 60-foot strip, the east 15 feet of which is owned in fee simple, encumbered by ingress/egress cross-easements.

A Stipulated Order of Taking with the fee owners was entered on August 1, 2015, and deposit of the good faith estimate of value was made into the Registry of the Court on August 10, 2015, for Parcel 289. An Order of Taking for Parcel 289 was entered by the Court on September 16, 2015.

Subsequently, the ownership of a non-exclusive easement interest by the Respondents was perfected by the Stipulated Order Adding Parties, Acquiring Additional Interests and Perfecting Petitioner’s Title and Interest in Parcel 289 was entered by the Court on March 9, 2016.

RESPONDENTS' CLAIM

After the entry of the Stipulated Final Judgment as to Parcel 289 was entered after a mediated settlement with the fee owners of Parcel 289, Raymer F. Maguire, III, Esq., counsel for Respondents, asserted their claim for the taking of their easement interest in Parcel 289.

Following extended negotiations to resolve the easement interest of Respondents, Mr. Maguire filed an Offer to Have Judgment Entered Against Respondents in the amount of NINETY-NINE THOUSAND, NINE HUNDRED NINETY-NINE AND NO/100 DOLLARS (\$99,999.00) on September 18, 2018. Additional negotiations to fully resolve this matter continued after Mr. Maguire agreed to an extension of the deadline to accept the Offer of Judgment. Those negotiations culminated in the proposed Settlement Agreement in which CFX conveys to Respondents a non-exclusive ingress/egress easement over the west 15 feet of Parcel 289. A legal description of the easement is to be agreed to by the parties.

Raymer Maguire, ILL, Esquire, presented an invoice for his attorneys' fees and costs totaling \$23,412.50. Additionally, Charles W. Haynes, Jr. of Haynes Valuation Services, LLC, presented an invoice in the amount of \$7,531.25 for his analysis of the subject property, neighborhood and market trends, and highest and best use issues before and after; and Mack Alan Cope, AICP, presented an invoice in the amount of \$3,087.00 for his assessment of the development potential and property rights of the adjacent Morris property without the easement.

After additional negotiations, the parties successfully negotiated a settlement in which the 15 foot easement on Parcel 289 is to be conveyed by CFX to the Respondents; payment of \$21,071.00 to Maguire Lassman, P.A. for attorneys' fees and costs; payment of \$9,557.00 to resolve the experts' fees and costs; and settlement in full of all claims for compensation from CFX for the taking of the Respondents' easement interest in Parcel 289, including statutory interest and all claims related to real estate and business damages, if any.

For the above-cited reasons, Right of Way counsel requests the Right of Way Committee recommend to the CFX Board the settlement of the underlying easement interest and all attorneys' fees and experts' fees and costs in the total amount of \$30,628.00, which is 90% of the invoiced amounts. Settlement of any and all claims for the Respondents' easement interest in Parcel 289 will eliminate further risk and unnecessary expenses that the CFX will ultimately incur with further litigation of this condemnation action.

REQUESTED ACTION

We respectfully request that the Right of Way Committee recommend that the CFX Board approve the proposed conveyance of the non-exclusive ingress/egress easement to the Respondents and a total settlement of \$30,628.00 in settlement of all attorneys' fees and litigation costs and experts' fees and costs.

ATTACHMENTS

Exhibit "A" – Sketch of Legal Description of the Subject Property

Exhibit "B" – Settlement Agreement

Exhibit "C" – Legal Description of the Easement

Exhibit "D" – Attorneys' and Experts' Invoices

ORLDOCS 16533790 3

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

PARCEL NO. 289
PURPOSE: PART A LIMITED ACCESS RIGHT-OF-WAY
PURPOSE: PART B RIGHT-OF-WAY
ESTATE: FEE SIMPLE

LEGAL DESCRIPTION

PARCEL 289 - PART A LIMITED ACCESS RIGHT OF WAY

ALL THAT TRACT OR PARCEL OF LAND LYING IN SECTION 6, TOWNSHIP 20 SOUTH, RANGE 28 EAST, ORANGE COUNTY, FLORIDA; BEING A PORTION OF THE SOUTHEAST 1/4 OF SAID SECTION 6 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE SOUTHEAST 1/4 OF SECTION 6, TOWNSHIP 20 SOUTH, RANGE 28 EAST, ORANGE COUNTY, FLORIDA, BEING A FOUND 6"X6" CONCRETE MONUMENT WITH A 3/4" IRON PIPE, BROKEN TOP AND NO IDENTIFICATION; THENCE SOUTH 03°30'34" EAST ALONG THE EAST LINE OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 6, A DISTANCE OF 688.44 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 03°30'34" EAST ALONG SAID EAST LINE, A DISTANCE OF 548.06 FEET TO A POINT ON THE SOUTH LINE OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 6; THENCE DEPARTING SAID EAST LINE, RUN SOUTH 89°04'16" WEST ALONG SAID SOUTH LINE, A DISTANCE OF 653.12 FEET TO A POINT; THENCE DEPARTING SAID SOUTH LINE, RUN NORTH 03°35'13" WEST ALONG A LINE 10.00 FEET EAST OF AND PARALLEL TO THE WEST LINE OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 6, A DISTANCE OF 552.94 FEET TO A POINT; THENCE DEPARTING SAID PARALLEL LINE, RUN SOUTH 89°29'44" EAST, A DISTANCE OF 654.10 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 8.250 ACRES, MORE OR LESS.

TOGETHER WITH:

A NON EXCLUSIVE EASEMENT FOR INGRESS AND EGRESS OVER THE EAST 30 FEET OF THE SOUTHWEST 1/4 OF NORTHEAST 1/4 OF SOUTHEAST 1/4 AND TOGETHER WITH A NON-EXCLUSIVE EASEMENT FOR INGRESS AND EGRESS OVER THE EAST 30 FEET OF THE WEST 1/2 OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION, AS DESCRIBED IN THAT CERTAIN DEED OF EASEMENT RECORDED IN OFFICIAL RECORDS BOOK 3099, PAGE 255, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, RECORDED ON MARCH 03, 1980. TOGETHER WITH A NON-EXCLUSIVE EASEMENT FOR ACCESS OVER THE FOLLOWING DESCRIBED PROPERTY AS SET FORTH RECIPROCAL EASEMENT RECORDED IN OFFICIAL RECORDS BOOK 3396, PAGE 1421, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA. THE WEST 15 FEET OF THE EAST 30 FEET OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 6, TOWNSHIP 20 SOUTH, RANGE 28 EAST.

AS DESCRIBED IN OFFICIAL RECORDS BOOK 4585, PAGE 3311 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

SEE SHEET 3 FOR SKETCH OF DESCRIPTION
SEE SHEET 4 FOR GENERAL NOTES AND LEGEND

Exhibit "A"

SHEET 1 OF 4

FOR: ORLANDO-ORANGE COUNTY
EXPRESSWAY AUTHORITY

DATE: APRIL 11, 2013

PROJECT NO.: P04-04

DRAWN: DPW CHECKED: JMS

STATE ROAD 429
OOCEA PROJECT NO. 429-205
PARCEL NO. 289



GEODATA CONSULTANTS, INC.

SURVEYING & MAPPING

2700 WESTHALL LANE

SUITE 137

MAITLAND, FLORIDA 32751

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

LAND SURVEYOR BUSINESS LICENSE NO. 6556

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

PARCEL NO. 289
PURPOSE: PART A LIMITED ACCESS RIGHT-OF-WAY
PURPOSE: PART B RIGHT-OF-WAY
ESTATE: FEE SIMPLE

LEGAL DESCRIPTION

PARCEL 289 - PART B RIGHT OF WAY

ALL THAT TRACT OR PARCEL OF LAND LYING IN SECTION 6, TOWNSHIP 20 SOUTH, RANGE 28 EAST, ORANGE COUNTY, FLORIDA; BEING A PORTION OF THE SOUTHEAST 1/4 OF SAID SECTION 6 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE SOUTHEAST 1/4 OF SECTION 6, TOWNSHIP 20 SOUTH, RANGE 28 EAST, ORANGE COUNTY, FLORIDA, BEING A FOUND 6"X6" CONCRETE MONUMENT WITH A 3/4" IRON PIPE, BROKEN TOP AND NO IDENTIFICATION; THENCE SOUTH 03°30'34" EAST ALONG THE EAST LINE OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 6, A DISTANCE OF 618.35 FEET TO A POINT ON THE NORTH LINE OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 6 AND THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 03°30'34" EAST ALONG SAID EAST LINE, A DISTANCE OF 70.10 FEET TO A POINT; THENCE DEPARTING SAID EAST LINE, RUN NORTH 89°29'44" WEST, A DISTANCE OF 654.10 FEET TO A POINT; THENCE SOUTH 03°35'13" EAST ALONG A LINE 10.00 FEET EAST OF AND PARALLEL TO THE WEST LINE OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 6, A DISTANCE OF 552.94 FEET TO A POINT ON THE SOUTH LINE OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 6; THENCE DEPARTING SAID PARALLEL LINE, RUN SOUTH 89°04'16" WEST ALONG SAID SOUTH LINE, A DISTANCE OF 10.01 FEET TO A POINT ON THE WEST LINE OF THE EAST 1/2 OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 6; THENCE DEPARTING SAID SOUTH LINE, RUN SOUTH 03°35'57" EAST ALONG SAID WEST LINE, A DISTANCE OF 1217.23 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF HAAS ROAD PER OFFICIAL RECORDS BOOK 98, PAGE 436 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; THENCE DEPARTING SAID WEST LINE, RUN SOUTH 88°09'18" WEST ALONG SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 15.01 FEET TO A POINT ON THE WEST LINE OF THE EAST 15 FEET OF THE EAST 1/2 OF THE WEST 1/2 OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 6; THENCE DEPARTING SAID NORTH RIGHT OF WAY LINE, RUN NORTH 03°35'57" WEST ALONG SAID WEST LINE, A DISTANCE OF 1217.47 FEET TO A POINT ON THE SOUTH LINE OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 6; THENCE DEPARTING SAID WEST LINE, RUN NORTH 03°35'13" WEST ALONG THE WEST LINE OF THE EAST 15 FEET OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 6, A DISTANCE OF 623.23 FEET TO A POINT ON THE NORTH LINE OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 6; THENCE DEPARTING SAID WEST LINE, RUN NORTH 89°29'44" EAST ALONG SAID NORTH LINE, A DISTANCE OF 679.23 FEET TO THE POINT OF BEGINNING.

CONTAINING 1.828 ACRES, MORE OR LESS.

TOGETHER WITH:

A NON EXCLUSIVE EASEMENT FOR INGRESS AND EGRESS OVER THE EAST 30 FEET OF THE SOUTHWEST 1/4 OF NORTHEAST 1/4 OF SOUTHEAST 1/4 AND TOGETHER WITH A NON-EXCLUSIVE EASEMENT FOR INGRESS AND EGRESS OVER THE EAST 30 FEET OF THE WEST 1/2 OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION, AS DESCRIBED IN THAT CERTAIN DEED OF EASEMENT RECORDED IN OFFICIAL RECORDS BOOK 3099, PAGE 255, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, RECORDED ON MARCH 03, 1980. TOGETHER WITH A NON-EXCLUSIVE EASEMENT FOR ACCESS OVER THE FOLLOWING DESCRIBED PROPERTY AS SET FORTH RECIPROCAL EASEMENT RECORDED IN OFFICIAL RECORDS BOOK 3396, PAGE 1421, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA. THE WEST 15 FEET OF THE EAST 30 FEET OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 6, TOWNSHIP 20 SOUTH, RANGE 28 EAST.

AS DESCRIBED IN OFFICIAL RECORDS BOOK 4585, PAGE 3311 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

SEE SHEET 3 FOR SKETCH OF DESCRIPTION
SEE SHEET 4 FOR GENERAL NOTES AND LEGEND

SHEET 2 OF 4

FOR: ORLANDO-ORANGE COUNTY
EXPRESSWAY AUTHORITY

DATE: APRIL 11, 2013

PROJECT NO.: P04-04

DRAWN: DPW CHECKED: JMS

STATE ROAD 429
OOCEA PROJECT NO. 429-205
PARCEL NO. 289



GEODATA CONSULTANTS, INC.

SURVEYING & MAPPING

2700 WESTHALL LANE

SUITE 137

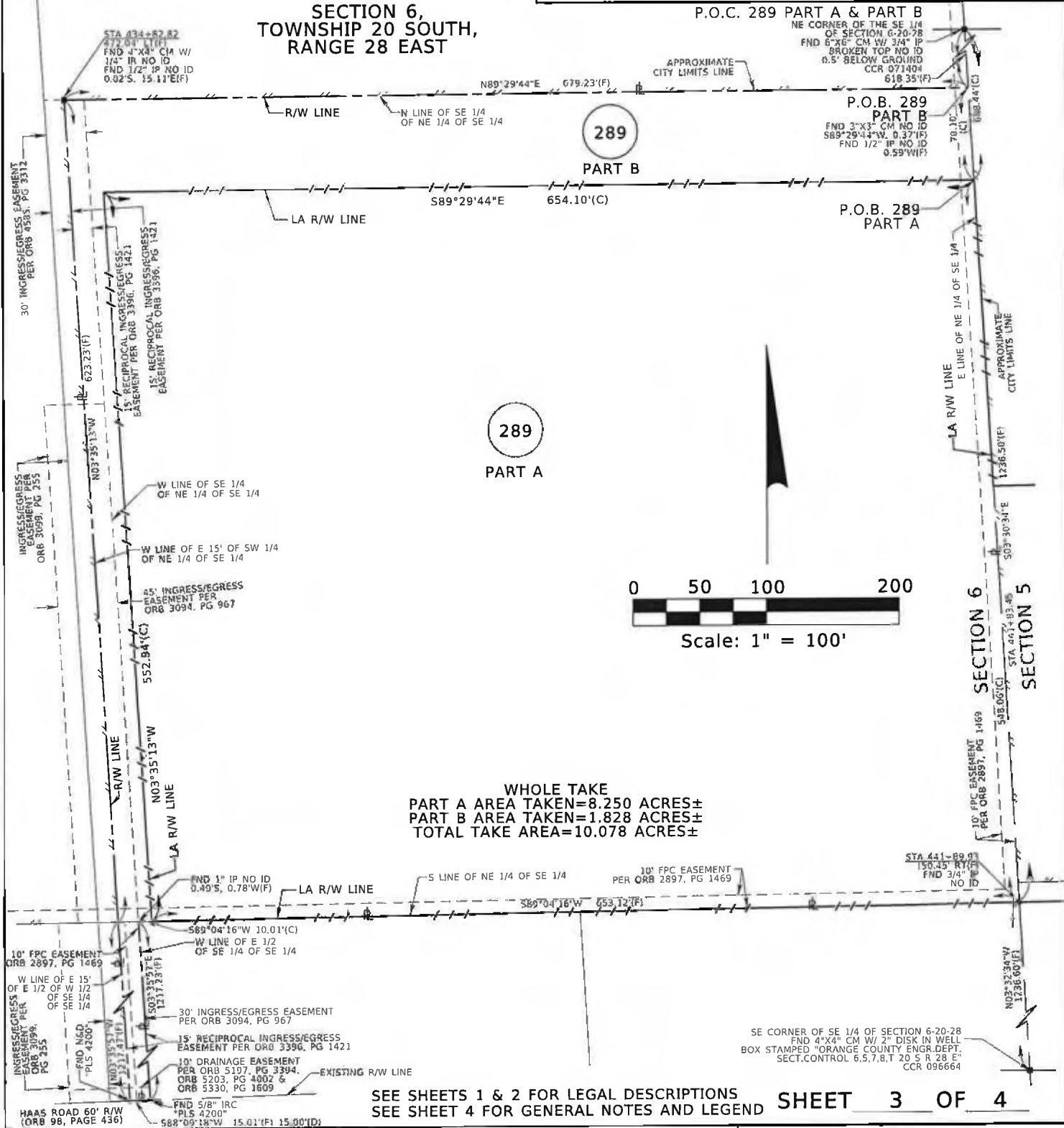
MAITLAND, FLORIDA 32751

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

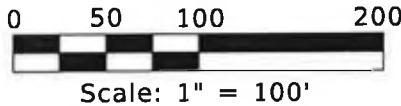
LAND SURVEYOR BUSINESS LICENSE NO. 6556

SKETCH OF DESCRIPTION

**SECTION 6,
TOWNSHIP 20 SOUTH,
RANGE 28 EAST**




WHOLE TAKE
 PART A AREA TAKEN=8.250 ACRES±
 PART B AREA TAKEN=1.828 ACRES±
 TOTAL TAKE AREA=10.078 ACRES±



SEE SHEETS 1 & 2 FOR LEGAL DESCRIPTIONS
 SEE SHEET 4 FOR GENERAL NOTES AND LEGEND **SHEET 3 OF 4**

**FOR: ORLANDO-ORANGE COUNTY
EXPRESSWAY AUTHORITY**
 DATE: APRIL 11, 2013
 PROJECT NO.: P04-04
 DRAWN: DPW CHECKED: JMS

**STATE ROAD 429
OOCEA PROJECT NO. 429-205
PARCEL NO. 289**

 **GEODATA CONSULTANTS, INC.**
SURVEYING & MAPPING
 2700 WESTHALL LANE
 SUITE 137
 MAITLAND, FLORIDA 32751
 VOICE: (407) 660-2322 FAX: 660-8223
 LAND SURVEYOR BUSINESS LICENSE NO. 6556

SKETCH OF DESCRIPTION

LEGEND AND ABBREVIATIONS

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

GENERAL NOTES:

1. THE PURPOSE OF THIS SKETCH IS TO DELINEATE THE DESCRIPTION ATTACHED HERETO. THIS DOES NOT REPRESENT A BOUNDARY SURVEY.
2. THE BEARINGS SHOWN HEREON ARE RELATIVE TO THE FLORIDA STATE PLANE COORDINATE SYSTEM, NORTH AMERICAN DATUM OF 1983/2007 ADJUSTMENT (NAD83/07), EAST ZONE, WITH THE EAST LINE OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 6, TOWNSHIP 20 SOUTH, RANGE 28 EAST, HAVING A BEARING OF SOUTH 03°30'34" 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. 2037-2864623, 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 SHEETS 1 & 2 FOR LEGAL DESCRIPTIONS
SEE SHEET 3 FOR SKETCH OF DESCRIPTION

SHEET 4 OF 4


REVISED PARCELS	DPW	11/18/2013
REVISED PARCELS	DPW	11/06/2013
REVISED PER COMMENTS	DPW	05/23/2013
REVISION	BY	DATE

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 5-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO CHAPTER 472 OF THE FLORIDA STATUTES, SUBJECT TO NOTES AND NOTATIONS SHOWN HEREON.

[Signature] 11-21-13
K. Paul deVivere, Professional Land Surveyor No. 4990 DATE

FOR: ORLANDO-ORANGE COUNTY EXPRESSWAY AUTHORITY
DATE: APRIL 11, 2013
PROJECT NO.: P04-04
DRAWN: DPW CHECKED: JMS

**STATE ROAD 429
OOCEA PROJECT NO. 429-205
PARCEL NO. 289**

 **GEODATA CONSULTANTS, INC.**
SURVEYING & MAPPING
2700 WESTHALL LANE
SUITE 137
MAITLAND, FLORIDA 32751
VOICE: (407) 660-2322 FAX: 660-8223
LAND SURVEYOR BUSINESS LICENSE NO. 6556

**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.: 2015-CA-005566-0

LEE H. SHOLLENBERGER, et al.,

Parcel 289 – Morris Interest

Respondents.

Subdivision 39

SETTLEMENT AGREEMENT

During settlement negotiations, Petitioner, CENTRAL FLORIDA EXPRESSWAY AUTHORITY (referred to as "Petitioner" or "CFX"), and Respondents, KENNETH W. MORRIS and HARVEY LEE MORRIS (referred to as "Respondents"), reached the following Settlement Agreement:

1. That CFX and Respondents wish to return the original owners of the easement to the position they were in before the easement interest was added into the eminent domain case of Parcel 289, in accordance with §73.013, Florida Statutes (2018), subject to the terms and conditions herein.

2. Petitioner will convey to Respondents a non-exclusive ingress/egress easement over the west 15 feet of Parcel 289. A legal description of the easement is to be agreed to by the parties. This conveyance is in full settlement of all claims for compensation from Petitioner whatsoever for the taking of the Respondents' easement interest in Parcel 289, including statutory interest and all claims related to real estate and business damages, if any, including 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.

3. The non-exclusive ingress/egress easement conveyed hereunder shall be extinguished upon conversion to or dedication as a public road right of way.

4. Petitioner will pay to the Trust Account of Maguire Lassman, P.A. the total sum of NINE THOUSAND, FIVE HUNDRED FIFTY-SEVEN AND NO/100 DOLLARS (\$9,557.00), in full settlement of all experts' fees and costs incurred on behalf of Respondents in this matter.



A large, stylized handwritten signature in black ink, located in the bottom right corner of the page.

5. Petitioner will pay to Maguire Lassman, P.A., the sum of TWENTY-ONE THOUSAND, SEVENTY-ONE AND NO/100 DOLLARS (\$21,071.00) in full settlement and satisfaction of all attorney's fees in this matter, including all fees related to monetary benefits, non-monetary benefits, all law firm litigation costs in this case, and any and all supplemental proceedings related to apportionment, pursuant to §§73.091 and 73.092, *Florida Statutes* (2018).

6. 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.

7. Counsel for Petitioner and Respondents 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.

8. 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.

9. This Agreement resolves all claims whatsoever, including claims of compensation arising from the taking of Parcel 289, severance damages, business damages, tort damages, interest, attorney's fees, attorney's costs, expert fees, expert costs, and any other claim.

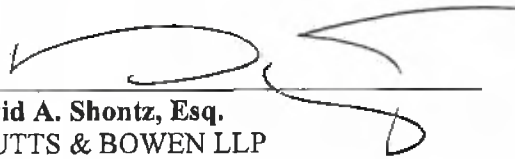
10. Respondents shall be responsible for the preparation and transmittal of any I.R.S. 1099 forms as necessary and shall provide CFX with a disclosure form, if appropriate, pursuant to Section 286.23, Florida Statutes.

11. Respondents for and in consideration of the settlement and in accordance with paragraphs 1, 2, 3, and 4 and other valuable consideration, shall hereby remise, release, acquit, satisfy, and forever discharge CFX, and its agents, attorneys, and employees, of and from all, and all manner of action and actions, cause and causes of actions, suits, debts, dues, sums of money, accounts, reckonings, bonds, bills, specialties, covenants, contracts, controversies, agreements, promises, variances, trespasses, damages, judgments, executions, claims and demands whatsoever, in law or in equity, claims in tort, intentional infliction of emotional distress, negligent infliction of emotional distress, which Respondents ever had, now have, or which any personal representative, agent, guardian, officer, director, employee, successor, heir or assign, hereafter can, shall or may have, for, upon or by reason of any matter, cause or thing whatsoever, from the beginning of the world to the day of these presents.


12. That in accordance with paragraphs 1, 2 and 3, and other valuable consideration herein, the Order of Taking and Stipulated Order Adding Parties, Acquiring Additional Interests, and Perfecting Petitioner's Title and Interest is hereby amended to grant Morris a non-exclusive easement for ingress and egress more specifically described in Exhibit "A" attached hereto.

13. CFX's contractor is not a third-party beneficiary of this Stipulation and this Final Judgment does not waive any claims, if any, against third-parties.

14. This Settlement Agreement, executed by the counsel for the parties listed below on this 14th day of January, 2019, contains all the agreements of the parties.



David A. Shontz, Esq.
SHUTTS & BOWEN LLP
Counsel for Petitioner,
*Central Florida
Expressway Authority*



Raymer F. Maguire, III, Esq.
MAGUIRE LASSMAN, P.A.
Counsel for Respondents,
*Kenneth W. Morris and
Harvey Lee Morris*

ORLDOCS 16533469 6

Legal Description of Non-Exclusive Easement

A non-exclusive easement for ingress and egress over the East 15 feet of the South 392.50 feet of the West 1/2 of the Northeast 1/4 of the Southeast 1/4 of said Section 6, and together with a non-exclusive easement for ingress and egress over the East 15 feet of the West 1/2 of the Southeast 1/4 of the Southeast 1/4 of said Section, Less the South 30 feet for County road right-of-way.

Exhibit "A" to Settlement Agreement

A handwritten signature or mark, possibly initials, located in the bottom right corner of the page.

Legal Description of Non-Exclusive Easement:

A non-exclusive easement for ingress and egress over the East 15 feet of the South 392.50 feet of the West 1/2 of the Northeast 1/4 of the Southeast 1/4 of said Section 6, and together with a non-exclusive easement for ingress and egress over the East 15 feet of the West 1/2 of the Southeast 1/4 of the Southeast 1/4 of said Section, Less the South 30 feet for County road right-of-way.

Haynes Valuation Services, LLC.

Real Estate Appraisers & Consultants
2112 Sunnydale Boulevard, Suite E,
Clearwater, Florida 33765
(727) 362-5110

October 8, 2018

Mr. Raymer F. Maguire III
Maguire Lassman P.A.
605 E. Robinson Street
Suite 140
Orlando, FL 32801

In Reference To: Kenneth and Harvey Morris
State Road 429/Wekiva Parkway
Orange County
Expressway Authority

INVOICE

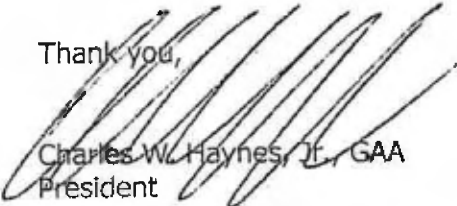
Analysis of subject property, subject neighborhood, and market trends; analysis of highest and best use issues before and after; research for comparable land sales; analysis of potential damage issues, discuss various issues with client and other experts.

D. L. Beaugrand :	8.50 Hrs. @ \$150.00/Hr.	\$ 1,275.00
C. W. Haynes :	22.75 Hrs. @ \$275.00/Hr.	<u>6,256.25</u>

TOTAL INVOICE AMOUNT:

\$7,531.25

Thank you,



Charles W. Haynes, Jr., GAA
President
State-Certified General Real
Estate Appraiser RZ2244

Exhibit "D"

Haynes Valuation Services, LLC
 2112 Sunnydale Boulevard
 Suite E
 Clearwater, FL 33765

Invoice submitted to:
 Mr. Raymer F. Maguire III
 Maguire Lassman, PA
 605 E. Robinson Street
 Suite 140
 Orlando, FL 32801

October 08, 2018

In Reference To: Kenneth W. and Harvey L. Morris
 State Road 429/Wekiva Parkway
 Orange County
 Expressway Authority

Invoice #10934

Professional Services

	<u>Hrs/Rate</u>	<u>Amount</u>
<u>Donna Beaugrand</u>		
9/4/2018 ANALYSIS OF LEGAL DESCRIPTIONS, DEEDS, TAX CARDS AND OTHER PERTINENT PROPERTY INFORMATION; RESEARCH SALE FINANCING; RESEARCH UTILITIES; PREPARE LOCATION MAPS AND SITE SKETCHES; VERIFY ZONING AND LAND USE.	1.00 150.00/hr	150.00
9/5/2018 ANALYSIS OF LEGAL DESCRIPTIONS, DEEDS, TAX CARDS AND OTHER PERTINENT PROPERTY INFORMATION; RESEARCH SALE FINANCING; RESEARCH UTILITIES; PREPARE LOCATION MAPS AND SITE SKETCHES; VERIFY ZONING AND LAND USE.	3.50 150.00/hr	525.00
9/6/2018 ANALYSIS OF SUBJECT PROPERTY; ANALYSIS OF LEGAL DESCRIPTIONS, DEEDS, TAX CARDS AND OTHER PERTINENT PROPERTY INFORMATION	4.00 150.00/hr	600.00
SUBTOTAL:	[8.50	1,275.00]
<u>Haynes, Charles</u>		
8/27/2018 ANALYSIS OF SUBJECT PROPERTY AND SUBJECT NEIGHBORHOOD; ANALYSIS OF PARENT TRACT AND ACCESS ISSUES IN BEFORE AND AFTER; ANALYSIS OF TAKE AND POTENTIAL DAMAGE ISSUES	4.00 275.00/hr	1,100.00
8/30/2018 ANALYSIS OF SUBJECT PROPERTY AND SUBJECT NEIGHBORHOOD; ANALYSIS OF PARENT TRACT AND ACCESS ISSUES IN BEFORE AND AFTER; ANALYSIS OF TAKE AND POTENTIAL DAMAGE ISSUES, RESEARCH FOR COMPARABLE LAND SALES.	5.25 275.00/hr	1,443.75

	<u>Hrs/Rate</u>	<u>Amount</u>
9/6/2018 ANALYSIS OF SUBJECT PROPERTY AND SUBJECT NEIGHBORHOOD; ANALYSIS OF PARENT TRACT AND ACCESS ISSUES IN BEFORE AND AFTER; ANALYSIS OF TAKE AND POTENTIAL DAMAGE ISSUES, RESEARCH FOR COMPARABLE LAND SALES.	5.25 275.00/hr	1,443.75
9/17/2018 ANALYSIS OF HIGHEST AND BEST USE ISSUES; DISCUSS VALUATION ISSUES WITH LAND PLANNER AND CLIENT; RESEARCH FOR COMPARABLE LAND SALES FOR THE BEFORE AND AFTER SCENARIOS.	6.25 275.00/hr	1,718.75
10/1/2018 ANALYSIS OF HIGHEST AND BEST USE ISSUES; DISCUSS VALUATION ISSUES WITH LAND PLANNER AND CLIENT; RESEARCH FOR COMPARABLE LAND SALES FOR THE BEFORE AND AFTER SCENARIOS.	2.00 275.00/hr	550.00
 SUBTOTAL:	 [22.75	 6,256.25]
For professional services rendered	<u>31.25</u>	<u>\$7,531.25</u>
 Balance due		 <u><u>\$7,531.25</u></u>

STATEMENT – INVOICE
Morris Apportionment, CFX Parcel 289

Date: October 3, 2018

Mr. Raymer Maguire, Esq.
605 E. Robinson Street, Suite 140
Orlando, Florida 32801

Via Email to raymer@Maguire-EminentDomain.com

RE: Invoice Statement of Mack Alan Cope, AICP, Planning Consultant
Morris Apportionment, CFX Parcel 289

The following is a statement of periodic services performed and fees earned by Mack Alan Cope, AICP, regarding the above referenced project.

Period (6/18/18 – 10/01/18) Services Rendered:

Coordination with Maguire, review case records from Maguire, research public records, collect & assess records, review & collect surrounding development activity, assess Parent Property rights & development potential, assess Take documentation, attend tele-conference calls.

See next page for detailed time charge descriptions.

Table of Fees Earned

Period Fee Earned	\$3,087.00
Total	\$3,087.00

Period fee charge details are provided on the following pages

STATEMENT – INVOICE
Morris Apportionment, CFX Parcel 289

Period Charge Details

DATE	DESCRIPTION	TIME	CHARGE
Mon 6/18/2018 3:00 PM	receive Hire Letter collect cfx maps	0.8	168.00
Tue 6/26/2018 11:40 AM	receive and review maguire cloud file link	0.8	168.00
Tue 6/26/2018 4:00 PM	telconf w maguire	0.4	84.00
Fri 6/29/2018 1:00 PM	research collect cfx roadway plans	1.2	252.00
Mon 7/9/2018 1:00 PM	research cfx records on morris, lee, shollenberger	1.6	336.00
Tue 7/10/2018 11:00 AM	collect infomap gis records, create illustrations	2.6	546.00
Wed 7/11/2018 8:30 AM	review cfx records re lee, shollenberger / start outline	3.1	651.00
Thu 7/12/2018 9:00 AM	produce findings & illustrations outline	1.8	378.00
Mon 7/23/2018 3:30 PM	rcve and review discovery docs from maguire	0.4	84.00
Mon 9/17/2018 3:29 PM	telconf w maguire	0.5	105.00
Mon 10/1/2018 10:00 AM	update findings, verify apopka exhibits / source info	1.1	231.00
Mon 10/1/2018 3:30 PM	telconf w maguire	0.4	84.00
		<u>14.7</u>	<u>\$3,087.00</u>

Time Sheet

10/11/2018

Kenneth W. Morris & Harvey L. Morris

Date Range: 3/31/1984 - 10/11/2018

Status: Pending/Released/Transferred/Exception

<u>Date</u>	<u>Hrs</u>	<u>Timekeep</u>	<u>Amount</u>
06/14/2017	.10	RFM Review of Google Map of 2075 Haas Rd	\$50.00
09/01/2017	.10	RFM Review of Exhibits 191018	\$50.00
09/01/2017	.10	RFM Review of Exhibits 191018 (1)	\$50.00
09/01/2017	.20	RFM Review of e-mail regarding times	\$25.00
09/01/2017	.30	RFM Draft e-mail RE availability of RFM for a conference call	\$37.50
09/04/2017	.20	RFM Review of Morris Warranty Deed	\$100.00
09/05/2017	.50	RFM Review e-mail and reply with dates	\$62.50
09/05/2017	.30	RFM Review of e-mail and response regarding a conference call	\$37.50
09/07/2017	.50	RFM Draft e-mail RE a 3 way conference	\$250.00
09/07/2017	.20	RFM Review of e-mail RE acquisition issues	\$100.00
09/07/2017	.50	RFM Telephone conference with Ken Morris	\$250.00
09/21/2017	.50	RFM Receipt, review & reply to email from David Shontz	\$250.00
10/31/2017	.30	RFM Review of Stipulated Order Adding Parties, Acquiring Additional Interests and Perfecting Petitioner's Title and Interest in Parcel 289	\$150.00
11/20/2017	.50	RFM Telephone conference with Ken Morris, Shontz and Bauerle regarding Easement issue	\$250.00
11/30/2017	.30	RFM Review of Declaration of Ingress/Egress and Utility Easement	\$150.00
11/30/2017	.50	RFM Draft e-mail and setting up call	\$62.50
11/30/2017	.70	RFM Draft e-mail with questions regarding Morris easement issue	\$350.00
11/30/2017	.10	RFM Review of e-mail regarding availability of Shontz	\$12.50
12/01/2017	.30	RFM Prepare e-mail and send email to Shontz in response to 11/30/2017 email	\$150.00
01/15/2018	.30	RFM Review of email for Shollenberger mediation from Kristin Cernell	\$150.00
01/16/2018	.50	RFM Draft e-mail regarding utility easement	\$250.00
01/16/2018	.20	RFM Draft e-mail RE setting up a conferenc call	\$25.00
01/17/2018	.10	RFM Draft e-mail RE Morris easement and conference call	\$12.50
01/17/2018	.50	RFM Telephone conference with Ken Morris and David Shontz	\$250.00

Time Sheet

10/11/2018

Kenneth W. Morris & Harvey L. Morris

Date Range: 3/31/1984 - 10/11/2018

Status: Pending/Released/Transferred/Exception

Date	Hrs	Timekeep	Amount
01/25/2018	.30	RFM	\$150.00
		Review of Shollenberger Warranty Deed	
02/01/2018	.50	RFM	\$250.00
		Receipt, review & reply to email from Suzanee Driscoll	
02/07/2018	.20	RFM	\$100.00
		Review of e-mail with order attached	
02/07/2018	.20	RFM	\$100.00
		Review of e-mail with order attached	
02/07/2018	.10	RFM	\$50.00
		Review of e-mail regarding casement	
02/07/2018	.50	RFM	\$250.00
		Draft e-mail RE excessive mud in the Morris Access	
02/07/2018	.20	RFM	\$100.00
		Review of e-mail with Morris Reciprocal Easement attached	
02/07/2018	.20	RFM	\$100.00
		Review of e-mail with Schwartz Deed of Easement attached	
02/07/2018	.20	RFM	\$100.00
		Review of e-mail with Morris Reciprocal Easement attached (2)	
02/07/2018	.20	RFM	\$100.00
		Review of e-mail with Schwartz Deed of Easement attached (2)	
02/07/2018	.50	RFM	\$250.00
		Review of e-mail RE O/J acceptance and draft response	
02/08/2018	.70	RFM	\$350.00
		Review of Shollenberger CFX mediation agreement	
03/20/2018	.40	RFM	\$200.00
		Draft e-mail RE scheduling a conference	
04/11/2018	.20	RFM	\$25.00
		Draft e-mail RE setting up a conference call	
04/12/2018	.30	RFM	\$150.00
		Review of e-mail with Morris Boundary Survey attached and draft e-mail in response	
04/12/2018	.20	RFM	\$100.00
		Draft e-mail with Morris Boundary Survey attached	
04/12/2018	.10	RFM	\$50.00
		Draft e-mail with ROW maps attached	
04/12/2018	.10	RFM	\$50.00
		Draft e-mail with Morris Boundary Survey attached	
04/12/2018	.10	RFM	\$50.00
		Draft e-mail RE an Uber call	
04/12/2018	.50	RFM	\$250.00
		Telephone conference with Ken Morris and Susan Driscoll	
04/13/2018	.10	RFM	\$50.00
		Draft e-mail with exhibits attached	
04/13/2018	.10	RFM	\$50.00
		Draft e-mail with SOT attached	
04/13/2018	.10	RFM	\$50.00
		Draft e-mail with SOT for Parcels 287&887 attached	
04/20/2018	.10	RFM	\$50.00
		Review of e-mail RE conference call and sending to Krystal so she can respond to the e-mail	

Time Sheet

10/11/2018

Kenneth W. Morris & Harvey L. Morris

Date Range: 3/31/1984 - 10/11/2018

Status: Pending/Released/Transferred/Exception

Date	Hrs	Timekeep	Amount
04/20/2018	.30	RFM	\$37.50
		Prepare e-mail with times for a conference call	
04/20/2018	.20	RFM	\$100.00
		Draft e-mail RE uber conference set-up	
04/27/2018	.50	RFM	\$250.00
		Draft e-mail RE the intent to fire RFM	
04/30/2018	.50	RFM	\$250.00
		Review of e-mail and draft e-mail RE client threatening to fire RFM	
05/02/2018	.70	RFM	\$350.00
		Review of e-mail RE legal description with GEC and draft e-mail in response	
05/09/2018	.50	RFM	\$250.00
		Receipt, review & reply to email from David Shontz	
05/16/2018	.20	RFM	\$25.00
		Draft e-mail RE scheduling a conference	
05/16/2018	.10	RFM	\$12.50
		Review of e-mails regarding a conference between Shontz and RFM	
05/16/2018	.50	RFM	\$250.00
		Telephone conference with Ken Morris for update on status	
06/11/2018	.30	RFM	\$150.00
		Draft e-mail RE Morris firing RFM	
06/18/2018	.30	MRS	\$75.00
		Telephone conference with RFM, getting things set-up with Krystal	
06/18/2018	3.00	MRS	\$750.00
		Review of case file	
06/18/2018	.05	MRS	\$12.50
		Telephone conference with RFM and Ken Morris	
06/18/2018	.10	MRS	\$50.00
		Telephone conference with MRS and Ken Morris	
06/18/2018	.30	MRS	\$150.00
		Telephone conference with MRS, getting things set-up with Krystal	
06/18/2018	.30	RFM	\$37.50
		Draft Pendergast letter regarding retaining services	
06/18/2018	.30	RFM	\$37.50
		Draft Mack letter regarding retaining services	
06/18/2018	.20	RFM	\$25.00
		Prepare e-mail with hire letter for Pendergast attached and send it	
06/18/2018	.30	RFM	\$37.50
		Draft of Pendergast hire letter	
06/18/2018	.30	RFM	\$37.50
		Draft e-mail RE setting up a conference call	
06/18/2018	.50	RFM	\$250.00
		Telephone conference with Ken Morris	
06/25/2018	.10	RFM	\$50.00
		Review of Notice of Deposit	
06/25/2018	.20	RFM	\$100.00
		Review of Notice	
06/25/2018	.20	RFM	\$100.00
		Review of e-mail RE Notice of Service of Court Documents	
06/25/2018	.20	RFM	\$100.00
		Review of e-mail RE Notice of Service of Court Documents (2)	

Time Sheet

10/11/2018

Kenneth W. Morris & Harvey L. Morris

Date Range: 3/31/1984 - 10/11/2018

Status: Pending/Released/Transferred/Exception

Date	Hrs	Timekeep	Amount
06/26/2018	.15	MRS	\$37.50
		Telephone conference with RFM and Cope	
06/26/2018	.15	MRS	\$75.00
		Telephone conferencce with MRS and Cope	
06/26/2018	.20	RFM	\$25.00
		Review of e-mail regarding conference call	
06/26/2018	.20	RFM	\$25.00
		Draft e-mail RE availability of Pendergast	
06/26/2018	.50	RFM	\$62.50
		Create link and send to MRS	
06/26/2018	.20	RFM	\$25.00
		Draft e-mail RE hire letter and conference call	
06/26/2018	1.00	RFM	\$500.00
		Telephone conference with experts Rick Dreggors; Mack Cope and Ed Williams along with client	
07/02/2018	.30	RFM	\$37.50
		Draft e-mail RE setting up a call	
07/11/2018	.25	MRS	\$62.50
		Telephone conference with Cope and RFM	
07/11/2018	.20	MRS	\$100.00
		Telephone conference with Cope and MRS	
07/11/2018	.20	RFM	\$50.00
		Review of e-mail RE Morris apportionment of Parcel 289 Shollenberger	
07/11/2018	.10	RFM	\$25.00
		Draft e-mail asking Krystal to send Cope all ROW maps	
07/11/2018	.50	RFM	\$62.50
		Review of e-mail regarding ROW maps and sending documents	
07/11/2018	.10	RFM	\$25.00
		Review of e-mail regarding ROW maps	
07/11/2018	.10	RFM	\$12.50
		Review of e-mails regarding ROW maps	
07/11/2018	1.00	TLA	\$500.00
		Draft Answer	
07/11/2018	1.00	TLA	\$500.00
		Draft Answer	
07/12/2018	.70	RFM	\$350.00
		Receipt, review & reply to emails to Mary Farmer regarding setting hearing for case managment order	
07/12/2018	.30	RFM	\$150.00
		Prepare e-mail to be sent to Mack Cope	
07/12/2018	.30	RFM	\$150.00
		Forward omail containing Shollenberger OT docs to opposing per request	
07/16/2018	3.00	MRS	\$750.00
		Edit and draft discovery	
07/16/2018	.20	RFM	\$100.00
		Draft and send email to Gary Pendergast regarding Discovery review	
07/23/2018	1.15	MRS	\$287.50
		Review of discovery, check for Pendergast response, edits, and working with Krystal on filing.	

Time Sheet

10/11/2018

Kenneth W. Morris & Harvey L. Morris

Date Range: 3/31/1984 - 10/11/2018

Status: Pending/Released/Transferred/Exception

Date	Hrs	Timekeep	Amount
07/23/2018	.30	RFM	\$150.00
07/23/2018	.30	e-mail courtesy copy of Discovery to Shontz RFM	\$150.00
08/07/2018	.15	Efile Discovery MRS	\$37.50
08/07/2018	.15	Telephone conference with Pendergast and RFM, working with Krystal to put file on thumb drive, and send Pendergast link MRS	\$75.00
08/14/2018	.30	Review of Haynes previous involvement MRS	\$75.00
08/15/2018	.25	Review of file, T.C. with Haynes, conference with RFM, call Haynes and instruct Krystal on retainer agreement and file to be sent MRS	\$62.50
08/15/2018	.50	Telephone conference with Chuck Haynes and Ken Morris RFM	\$250.00
08/15/2018	.40	Initial draft of letter to retaining services and obtaining initial information from client RFM	\$200.00
08/27/2018	1.10	Research request for production case law on technical admissions and T.C. with Haynes and RFM MRS	\$275.00
08/27/2018	1.05	Research request for production case law on technical admissions and T.C. with Haynes and MRS MRS	\$525.00
08/27/2018	.50	Telephone conference with Chuck Haynes and Ken Morris RFM	\$250.00
08/27/2018	.40	Initial draft of letter to retaining services and obtaining initial information from client RFM	\$200.00
08/28/2018	.30	Review of response to discovery MRS	\$75.00
08/28/2018	1.00	Review e-mails and Draft joint Entry for Entry of Case Management Order and Draft order MRS	\$250.00
08/28/2018	.25	Telephone conference with Ken Morris and RFM MRS	\$62.50
08/28/2018	.30	Research whether MRS needs leave for additional request for admission MRS	\$75.00
08/28/2018	.20	Telephone conference with Ken Morris and MRS MRS	\$100.00
09/01/2018	.50	Receipt, review & reply to email from David Shontz RFM	\$250.00
09/13/2018	.30	e-mail David Shontz regarding Settlement RFM	\$150.00
09/13/2018	.50	Receipt, review & reply to email from David Shontz RFM	\$250.00
09/17/2018	1.10	Meeting with RFM about case management, draft case management order and email to Shontz and T.C. with client and experts MRS	\$275.00

10/11/2018

Time Sheet

Kenneth W. Morris & Harvey L. Morris

Date Range: 3/31/1984 - 10/11/2018

Status: Pending/Released/Transferred/Exception


<u>Date</u>	<u>Hrs</u>	<u>Timekeep</u>	<u>Amount</u>
09/17/2018	1.05	MRS Meeting with MRS about case management, draft case management order and email to Shontz and T.C. with client and experts	\$525.00
09/17/2018	.50	RFM Telephone conference with Mack Cope and Ken Morris	\$250.00
09/18/2018	1.00	MRS Send easement documents to Chuck Haynes	\$250.00
09/18/2018	1.00	MRS Initial draft of Offer of Judgment	\$250.00
09/18/2018	.70	RFM Draft e-mail RE Morris Easements	\$350.00
09/18/2018	1.00	RFM Telephone conference with client RE Offer of Judgment	\$500.00
09/18/2018	.50	RFM Emails with client RE Offer of Judgment	\$250.00
09/19/2018	.30	RFM Review of email from Linda Lanosa	\$150.00
09/28/2018	.70	RFM Telephone conference with David Shontz & client	\$350.00
10/01/2018	.30	MRS Telephone conference with experts and client	\$75.00
10/02/2018	.30	MRS Review of Morris thumb drive file for Mack, draft legal instruction letter for Mack	\$75.00
10/03/2018	.30	RFM Review e-mail from David Shontz	\$150.00
10/03/2018	.50	RFM Receipt, review & reply to email from David Shontz	\$250.00
10/03/2018	.30	RFM Prepare e-mail to experts requesting invoices from experts	\$150.00
10/03/2018	.30	RFM Review of Cope & Haynes invoices	\$150.00
10/11/2018	4.00	RFM Close out case	\$2,000.00
10/11/2018	2.00	MRS Close out case	\$500.00
Total hours: 60.45		Total Amount: \$23,412.50	



M E M O R A N D U M

TO: Central Florida Expressway Authority, CLIENT-MATTER NO: 19125.0169
Right-of-Way Committee Members 19125.0170

CC: Linda Brehmer Lanosa, Esq., Deputy General Counsel
David Shontz, Esq.

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

DATE: November 25, 2018

RE: **State Road 453, Project 429-206; Parcels 314 and 315**
Date of Deposit: 10/8/15 (P. 314), 9/3/15 (P. 315)

Shutts & Bowen LLP, Right-of-Way Counsel, seeks the recommendation of the Right-of-Way Committee for approval by the CFX Board of a settlement between Respondent Max Robert Garrison (“Garrison”) and the Central Florida Expressway Authority (“CFX”) regarding the acquisition of Parcels 314 and 315 of all claims for compensation asserted by Garrison whatsoever including all attorneys’ fees, experts’ fees and litigation costs incurred in connection with the takings.

DESCRIPTION AND BACKGROUND

Parcel 314 is a fee simple whole taking of 6.104 acres consisting of Part A, containing 5.141 acres for limited access right of way, and Part B, containing .963 acres for right of way purposes. Parcel 315 is also a fee simple whole taking totaling 5.111 acres which consists of Part A, containing 4.882 acres for limited access right of way, and Part B, containing 9,969 square feet for right of way purposes.

Max Robert Garrison was named as a Respondent with respect to Parcels 314 and 315 due to his interest in a 60’ non-exclusive Right of Way Easement (“ROW Easement”) along Coronado Summerset Drive created by a Deed recorded at ORB 507, PG 480 and restated in an Easement recorded at ORB 431, PG 150. Mr. Garrison owns property on the north side of Coronado Summerset Drive east of Parcel 315. His Deed (ORB 3978, PG 1557) also recites the above referenced 60’ non-exclusive Right of Way Easement. The address of his property is 22901 Coronado Summerset Drive. Parcels 314B and 315B were fee simple takings of the south

30' of the ROW Easement for distances of approximately 282.30 feet and 332.21 feet, respectively.

By his Answers, Garrison asserted claims in Parcels 314 and 315 for an apportionment of the funds deposited for the takings pertaining to the ROW Easement and for severance damages to his property to which the ROW Easement attaches.

Stipulated Final Judgments with the fee owners of Parcels 314 and 315 were entered on March 17, 2017 and February 21, 2017, respectively. Final Agreed Orders of Apportionment for Parcels 314 and 315 were entered on October 11, 2018 and October 12, 2018, respectively, whereby Garrison waived his apportionment claims but expressly reserved his claims for severance damages resulting from the taking of his non-exclusive ROW Easement.

RESPONDENT'S CLAIM

Counsel for Garrison, Kent Hipp, Esquire, of GrayRobinson, P.A., demanded \$35,000.00 based upon an asserted 10% severance damage to Mr. Garrison's property resulting from CFX's highway and bridge construction across the only access route to the property (Coronado Summerset Drive) inclusive of all fees and costs. Mr. Hipp produced presented an invoice for his attorneys' fees and costs totaling \$16,640.00. Additionally, Richard Dreggors of Calhoun, Dreggors & Associates, Inc. presented an invoice in the amount of \$2,155 for his analysis of the subject property, comparable sales and severance damages, and William Tipton, P.E., presented an invoice in the amount of \$1,012.50 for his review of CFX's construction plans and proposed detour plan for Coronado Somerset Drive.

After extended negotiations regarding the compensability of Garrison's severance damage claims, and the Respondent's agreement to waive any claims for apportionment, the parties successfully negotiated a settlement wherein Garrison agreed to waive any claims for compensation for the taking of Parcels 314 and 315, and accepted as full payment for all attorneys' fees, experts' fees and costs, the total sum of \$18,750.00, which is 95% of the invoiced amounts. Garrison further agreed to execute a general Release (Exhibit "C") for all claims he could have asserted in connection with the takings and construction along Coronado Summerset Drive for CFX Project 429-206 (SR 453) (the "Release").

For the above-cited reasons, Right of Way counsel requests the Right of Way Committee recommend to the CFX Board the settlement of all of Respondent's attorneys' fees, experts' fees and costs in the total amount of \$18,750.00. The Disclaimers and Release from the Respondent will extinguish all claims by the Respondent for his easement interest in Parcels 314 and 315, and will eliminate further risk and unnecessary expenses that the CFX will ultimately incur with further litigation of these condemnation actions.

REQUESTED ACTION

We respectfully request that the Right of Way Committee recommend that the CFX Board approve the Agreed Order Taxing Fees and Costs to Respondent Max Robert Garrison in the total amount of \$18,750.00 in settlement of all attorneys' fees and experts' fees and costs, and that it further recommend that the CFX Board accept the Release From Robert Max Garrison to Central Florida Expressway for all claims he could have asserted in connection with the takings and construction along Coronado Summerset Drive for CFX Project 429-206 (SR 453).

ATTACHMENTS

- Exhibit "A" – Sketch of Legal Description of Parcels 314 and 315
- Exhibit "B" – Notice of Disclaimer of Interest for Parcels 314 and 315
- Exhibit "C" - Release from Respondent to CFX
- Exhibit "D" – Agreed Order Taxing Fees and Costs
- Exhibit "E" – Attorneys' and Experts' Invoices

Exhibit “A”

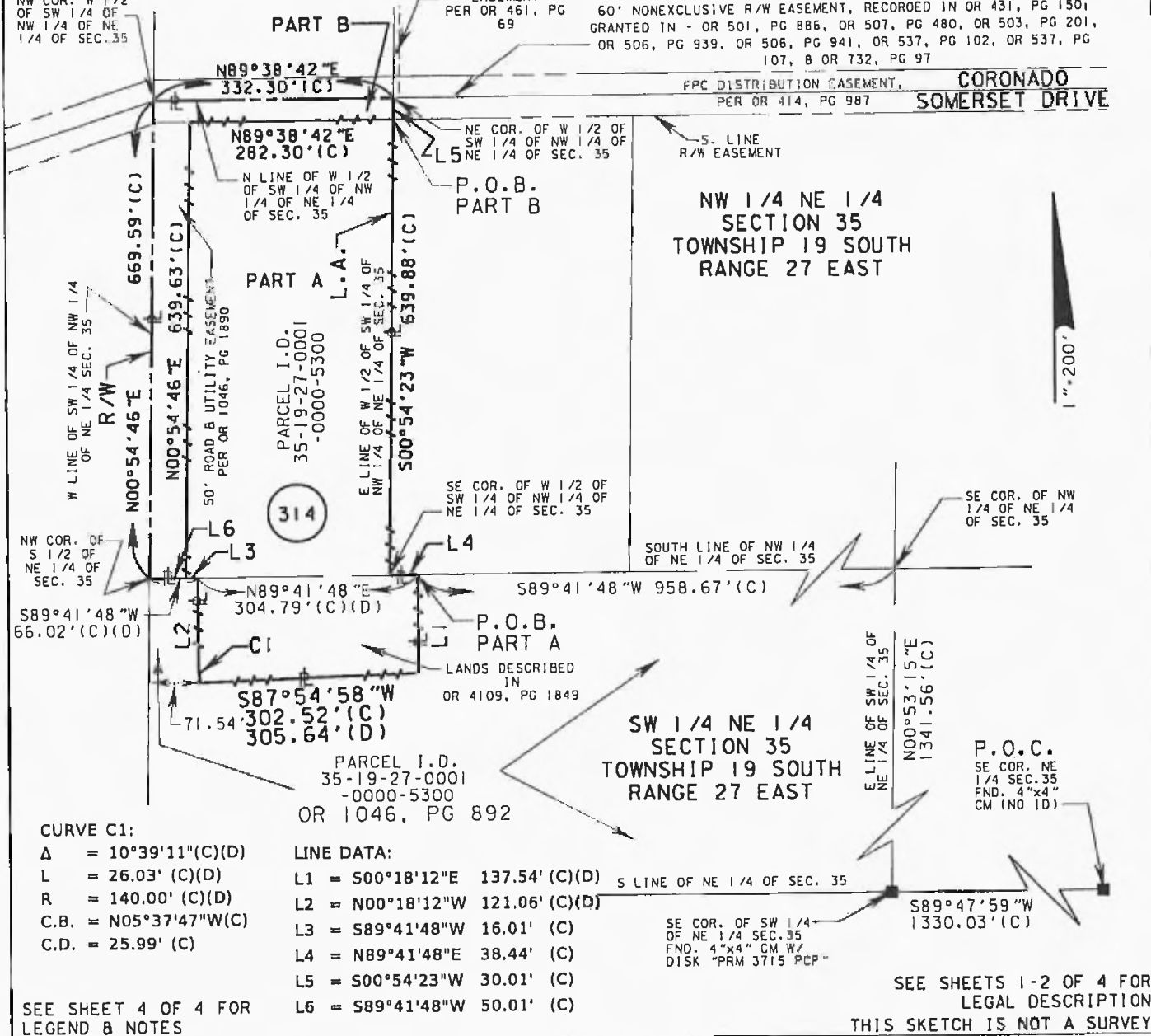
PARCEL: 314
SECTION 35
TOWNSHIP 19 SOUTH
RANGE 27 EAST

NW COR. W 1/2 OF SW 1/4 OF NW 1/4 OF NE 1/4 OF SEC. 35

8' FPC DISTRIBUTION EASEMENT PER OR 461, PG 69

60' NONEXCLUSIVE R/W EASEMENT, RECORDED IN OR 431, PG 150; GRANTED IN - OR 501, PG 886, OR 507, PG 480, OR 503, PG 201, OR 506, PG 939, OR 506, PG 941, OR 537, PG 102, OR 537, PG 107, 8 OR 732, PG 97

FPC DISTRIBUTION EASEMENT, CORONADO SOMERSET DRIVE PER OR 414, PG 987



- CURVE C1:
 Δ = 10°39'11"(C)(D)
 L = 26.03' (C)(D)
 R = 140.00' (C)(D)
 C.B. = N05°37'47"W(C)
 C.D. = 25.99' (C)

- LINE DATA:
 L1 = S00°18'12"E 137.54' (C)(D)
 L2 = N00°18'12"W 121.06' (C)(D)
 L3 = S89°41'48"W 16.01' (C)
 L4 = N89°41'48"E 38.44' (C)
 L5 = S00°54'23"W 30.01' (C)
 L6 = S89°41'48"W 50.01' (C)

SEE SHEET 4 OF 4 FOR LEGEND & NOTES

SEE SHEETS 1-2 OF 4 FOR LEGAL DESCRIPTION
THIS SKETCH IS NOT A SURVEY

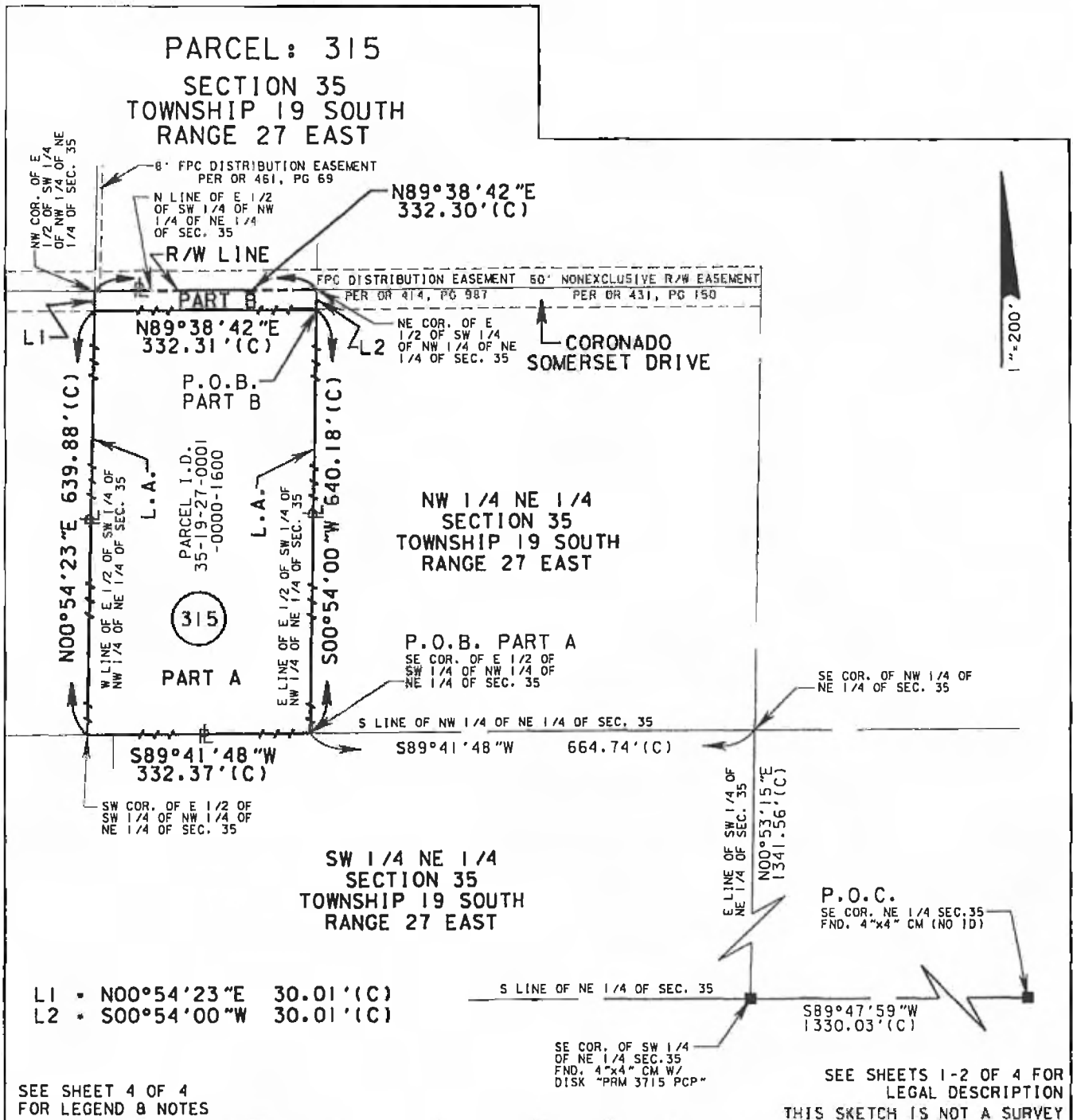
RIGHT OF WAY PARCEL SKETCH		STATE ROAD 453 (WEKIVA PARKWAY)		CENTRAL FLORIDA EXPRESSWAY AUTHORITY		SECTION 429-206 (2C)	
		DRMP PROJECT NO. 12-0150.000		SHEET 4 OF 5		DATE: 08/07/14	
REVISE PARTS A & B		CWW	6/15	PARCEL NUMBERS	CWW	12/14	SCALE: 1" = 200'
REVISE DESCRIPTION HEADER		ALO	5/15	ADD REMAINDER	CWW	11/14	
TOTAL TAKE		ALO	4/15	PER COMMENTS	CWW	9/14	
REVISION		BY	DATE	REVISION	BY	DATE	DRAWN: BJP

SKETCH PREPARED BY



DRMP
 ENGINEERS • SURVEYORS • PLANNERS • SCIENTISTS
 941 LAKE BALDWIN LANE
 ORLANDO, FLORIDA 32814
 (407) 896-0594
 L.B. No. 2648

PARCEL: 315
SECTION 35
TOWNSHIP 19 SOUTH
RANGE 27 EAST



L1 - N00°54'23"E 30.01'(C)
L2 - S00°54'00"W 30.01'(C)

SEE SHEET 4 OF 4
FOR LEGEND & NOTES

SEE SHEETS 1-2 OF 4 FOR
LEGAL DESCRIPTION
THIS SKETCH IS NOT A SURVEY


RIGHT OF WAY PARCEL SKETCH		STATE ROAD 453 (WEKIVA PARKWAY)		CENTRAL FLORIDA EXPRESSWAY AUTHORITY		SECTION 429-206 (2C)	
		DRMP PROJECT NO. 12-0150.000		SHEET 3 OF 4		DATE: 08/08/14	
		ADD REMAINDER		CWW		11/14	
		L.A. CHANGES		CWW		11/14	
REVISED TO WHOLE PARCEL TAKE		CWW		2/15		PER COMMENTS	
CWW		2/15		CWW		9/14	
REVISION		BY		DATE		DRAWN: BJP	
						SKETCH PREPARED BY  DRMP ENGINEERS - SURVEYORS - PLANNERS - SCIENTISTS 941 LAKE BALDWIN LANE ORLANDO, FLORIDA 32814 (407) 896-0594 L.B. No. 2648	

Exhibit “B”

IN THE CIRCUIT COURT OF THE FIFTH JUDICIAL CIRCUIT
IN AND FOR LAKE 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,

CASE NO.: 2015-CA-001524

v.

Parcel 314

DEBORAH NEW, et al.,
Respondents.

Judge Singeltary

NOTICE OF DISCLAIMER OF INTEREST OF
MAX ROBERT GARRISON

Comes now, the Respondent, MAX ROBERT GARRISON, by and through his undersigned counsel and hereby files this Notice of Disclaimer of Interest in the above-referenced action and gives notice to all parties to this litigation that he no longer has an interest in the litigation and/or the condemnation proceeds relative to Parcel 314 and he waives any claims he may have asserted against Petitioner, CENTRAL FLORIDA EXPRESSWAY AUTHORITY, as a result of the taking of the above referenced parcels.

WHEREFORE, the Respondent respectfully requests that he be removed from the service list and all notices of future proceedings may be without reference to the Respondent.

Dated this ____ day of _____, 2018.



KENT L. HIPPI, ESQ.

Kent.hipp@gray-robinson.com

Florida Bar No. 879630

GrayRobinson, P.A.

Post Office Box 3068

Orlando, Florida 32802-3068

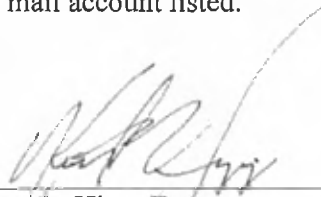
Telephone: 407-843-8880 Fax: 407-244-5690

Attorneys for Respondent,

Max Robert Garrison

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on _____, 2018, a true and correct copy of the foregoing was electronically filed with the Florida Courts E-Filing Portal which will serve a copy to all counsel of record with an electronic mail account listed.



Kent L. Hipp, Esq.

CFX v. Deborah New, et al.
Case Number 2015-CA-001524
Parcel 314
SERVICE LIST

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United States of America, Department of the
Treasury, Internal Revenue Service*

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Jami Beasley Watkins, Esq.
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notice@kahaneandassociates.com
*Attorneys for Respondent,
Chase Bank USA, N.A.*

IN THE CIRCUIT COURT OF THE FIFTH JUDICIAL CIRCUIT
IN AND FOR LAKE 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.

CURTIS WAYNE McNEIL, et al.,

Respondents.

CASE NO.: 2015-CA-001237

Parcels 315, 320/820 and 322/822

Judge Baxley

**NOTICE OF DISCLAIMER OF INTEREST OF
MAX ROBERT GARRISON**

Comes now, the Respondent, MAX ROBERT GARRISON, by and through his undersigned counsel and hereby files this Notice of Disclaimer of Interest in the above-referenced action and gives notice to all parties to this litigation that he no longer has an interest in the litigation and/or the condemnation proceeds relative to Parcel 315, Parcel 320/820, and Parcel 322/822, and he waives any claims he may have asserted against Petitioner, CENTRAL FLORIDA EXPRESSWAY AUTHORITY, as a result of the taking of the above referenced parcels.

WHEREFORE, the Respondent respectfully requests that he be removed from the service list and all notices of future proceedings may be without reference to the Respondent.

Dated this _____ day of _____, 2018.



KENT L. HIPPI, ESQ.

Kent.hipp@gray-robinson.com

Florida Bar No. 879630

GrayRobinson, P.A.

Post Office Box 3068

Orlando, Florida 32802-3068

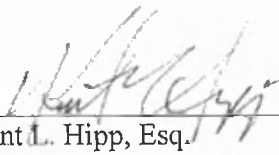
Telephone: 407-843-8880 Fax: 407-244-5690

Attorneys for Respondent,

Max Robert Garrison

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on _____, 2018, a true and correct copy of the foregoing was electronically filed with the Florida Courts E-Filing Portal which will serve a copy to all counsel of record with an electronic mail account listed, and sent via U.S. Mail to all Respondents with only a mailing address listed on the attached Service List.



Kent L. Hipp, Esq.

CFX v Curtis Wayne McNeil, et al.
Case No.: 2015-CA-001237
Service List, Parcels 315, 320/820 and 322/822

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mfarmer@shutts.com
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*Attorneys for Respondent,
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Colleen Murphy Davis
Assistant United States Attorney
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*Attorneys for Respondent, United States
Department of the Treasury,
Internal Revenue Service*

ORLDOCS 15600584 2

Exhibit "C"

**RELEASE FROM MAX ROBERT GARRISON TO CENTRAL FLORIDA
EXPRESSWAY AUTHORITY**

MAX ROBERT GARRISON and his successors and assigns, (the "**Releasor**"), for good and valuable consideration, the receipt of which is hereby acknowledged, hereby completely waives, remises, releases and forever discharges **CENTRAL FLORIDA EXPRESSWAY AUTHORITY** ("CFX") and its affiliates, assigns, attorneys, employees, officers, managers, directors, shareholders, predecessors and successors (collectively, the "**Released Parties**") of and from any and all causes of action, suits, covenants, contracts, controversies, damages, judgments, claims and demands whatsoever, in law or in equity, known or unknown, suspected or unsuspected, which against the Released Parties, or any of them, Releasor ever had, now has or which they or their successors hereafter can, shall or may have (all such causes of action, suits covenants, contracts, controversies, damages, judgments, claims and demands are hereinafter called the "**Released Claims**") where such Released Claims exist or may exist by reason of any matter, cause or thing whatsoever, from the beginning of the world through the Effective Date of this Release which arose or may have arose in connection with the taking of Parcels 314, 315, 316, 318, 319, 320/820, 322/822, and the construction upon said parcels in connection with CFX Project No.: 429-206; SR 453.

Releasors confirm that they have executed this Release of their own volition, with full knowledge of the extent and effect of the various releases granted by this Release and of the importance to the Released Parties of these releases and after having had the opportunity to discuss this matter with counsel of their own choice. This Release has been executed and delivered pursuant to the Parties' Agreed Order Taxing Fees and Costs for Parcel 314 and shall be governed by and construed and enforced in accordance with the laws of the State of Florida.

Effective Date: November 20, 2018.

MAX ROBERT GARRISON

By: *Max Robert Garrison*

STATE OF FLORIDA)
COUNTY OF Lake)

The foregoing Release was acknowledged before me this 20th day of November 2018, by Max Robert Garrison who is personally known to me or produced _____ as identification.

Commission No. and Expiration Date:

Notary Public, State of Florida
Print Name: MARJORIE A. LOOMIS



Marjorie A. Loomis

Exhibit “D”

IN THE CIRCUIT COURT OF THE FIFTH JUDICIAL CIRCUIT
IN AND FOR LAKE 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,

CASE NO.: 2015-CA-001524

v.

Parcel 314

DEBORAH NEW, et al.,
Respondents.

Judge Singeltary

_____ /

**AGREED ORDER TAXING FEES AND COSTS
TO RESPONDENT MAX ROBERT GARRISON**

THIS CAUSE having come before the Court for consideration upon the agreement of counsel for Petitioner **CENTRAL FLORIDA EXPRESSWAY AUTHORITY** and Respondent **MAX ROBERT GARRISON** and the Court being otherwise advised in the premises; it is

ORDERED AND ADJUDGED as follows:

1. Respondent shall have and recover from Petitioner, **CENTRAL FLORIDA EXPRESSWAY AUTHORITY** ("Petitioner"), the total sum of **EIGHTEEN THOUSAND SEVEN HUNDRED FIFTY AND 00/100 DOLLARS (\$18,750.00)** in full payment for any and all expert fees and costs, and attorney's fees and costs for Parcel 314, and all other parcels in which Respondent had an interest in connection with Central Florida Expressway Authority Project No.: 429-206 (SR 453), including apportionment and/or supplemental attorneys' fees and costs.

2. That the Petitioner, within twenty (20) days after receipt of this executed order, shall forthwith issue a check for the total amount of **EIGHTEEN THOUSAND SEVEN HUNDRED FIFTY AND 00/100 DOLLARS (\$18,750.00)** payable to GrayRobinson, P.A., P.O. Box 3068, Orlando, Florida 32802-3068, as payment in full for all expert fees and costs, and

attorneys' fees and costs for Respondent **MAX ROBERT GARRISON** for proper disbursement of the same.

3. Respondent **MAX ROBERT GARRISON** shall seek no further monies from Petitioner, **CENTRAL FLORIDA EXPRESSWAY AUTHORITY**.

4. As a condition of the award of the fees and costs described in paragraph 2 above, Respondent **MAX ROBERT GARRISON** agrees to execute the general release attached hereto as Exhibit "A" and for his counsel to execute and file a Notice of Disclaimer of Interest on his behalf in the instant cause of action as well as the matter of CFX v. McNeil, Case No. 2015-CA-001237, now pending in the Fifth Judicial Circuit in Lake County, Florida, copies of which are attached hereto as Exhibits "B" and "C".

DONE AND ORDERED in chambers at Orlando, Orange County, Florida, this _____ day of _____, 2018.

G. Richard Singeltary
Circuit Judge

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the foregoing was filed with the Clerk of the Court this _____ day of _____, 2018, by using the Florida Courts E-Filing Portal System. Accordingly, a copy of the foregoing is being served on this day to all attorneys/interested parties identified on the ePortal Electronic Service List, via transmission of Notices of Electronic Filing generated by the ePortal System.

Judicial Assistant

**JOINT MOTION FOR ENTRY OF AGREED ORDER TAXING FEES AND COSTS TO
RESPONDENT MAX ROBERT GARRISON**

The Petitioner, **CENTRAL FLORIDA EXPRESSWAY AUTHORITY**, and the Respondent, **MAX ROBERT GARRISON**, by and through their undersigned counsel, respectfully move for entry of the foregoing Agreed Order Taxing Fees and Costs to Respondent Max Robert Garrison. The undersigned are authorized to enter into this Motion.

DAVID A. SHONTZ, ESQ.

dshontz@shutts.com

Florida Bar No. 0630519

SUZANNE M. DRISCOLL, ESQ.

sdriscoll@shutts.com

Florida Bar No. 827797

SHUTTS & BOWEN LLP

300 S. Orange Avenue, Suite 1600

Orlando, Florida 32801

Phone: 407-835-6722

Fax: 407-849-7273

Attorneys for Petitioner,

Central Florida Expressway Authority

Dated: _____, 2018



KENT L. HIPPI, ESQ.

Kent.hipp@gray-robinson.com

Florida Bar No. 879630

GrayRobinson, PA

P.O. Box 3068

Orlando, Florida 32802-3068

Telephone: (407) 843-8880

Facsimile: (407) 244-5690

Attorneys for Respondent,

Max Robert Garrison

Dated: 11/21/18, 2018

Exhibit “E”

GRAYROBINSON

Attorneys At Law
Post Office Box 3068
Orlando, Florida 32802

Telephone (407) 843-8880
Federal ID # 59-1300132

Max R. Garrison
23833 Sardinia Dr.
Sorrento, FL 32776

April 23, 2018
FILE # 155423 - 1

Invoice # 10782175
Re: CFX re: Wekiva Parkway SR. 46 Realignment Project

This summary includes all transactions on the above matter processed up to and including the date of the last transaction shown on this invoice. Any transactions, including credits or receipts processed after that date will be reflected on a future statement.

CURRENT FEES:	\$ 16,640.00
CURRENT DISBURSEMENTS:	\$ 41.28
CURRENT BALANCE DUE:	\$ 16,681.28

0826

REMITTANCE COPY

Please return this remittance copy with your payment for proper allocation.
PAYMENT IS DUE UPON RECEIPT

GRAYROBINSON

Attorneys At Law
Post Office Box 3068
Orlando, Florida 32802

Telephone (407) 843-8880

Federal ID # 59-1300132

Max R. Garrison
23833 Sardinia Dr.
Sorrento, FL 32776

April 23, 2018
FILE # 155423 - 1

Invoice # 10782175
Re: CFX re: Wekiva Parkway SR. 46 Realignment Project

This summary includes all transactions on the above matter processed up to and including the date of the last transaction shown on this invoice. Any transactions, including credits or receipts processed after that date will be reflected on a future statement.

CURRENT FEES:	\$ 16,640.00
CURRENT DISBURSEMENTS:	\$ 41.28
CURRENT BALANCE DUE:	\$ 16,681.28

0826

CLIENT COPY
PAYMENT IS DUE UPON RECEIPT

10782175

CFX re: Wekiva Parkway SR. 46 Realignment Project

Professional Services:

08/07/15	KLH	Conferring by phone with CFX Wekiva Parkway Project Manager Deb Poindexter regarding Bob Garrison suit and parcels on CFX Lake County matter; review CFX pleadings for takings; conferring by phone with Bob Garrison regarding CFX matters; conferring by phone with appraiser Rick Dreggors regarding same	1.50
08/07/15	PRW	Re: CFX v. McNeil / Garrison easement - extensive research to determine location of easement and to determine why named in lawsuit; pull Coronado property information and prepare location aerial exhibit	2.50
08/10/15	AL	Preparing for and attending new client meeting with Kent Hipp	1.80
08/10/15	KLH	Conferring in office with Bob Garrison regarding new CFX matter; notes to file	1.00
08/11/15	AL	Reviewing client meeting notes and updating electronic file	0.20
08/11/15	AL	Exchanging emails with Kent Hipp regarding new matter	0.10
08/11/15	KLH	Reviewing documents; conferring by phone with Ashley Hoffman regarding status of new matter and strategic course of action with experts, etc; review aerial and ground level photos of property from paralegal; notes to file	0.50
08/12/15	AL	Drafting strategy email to expert appraiser and engineer regarding CFX impacts to new client property; exchanging emails with Kent Hipp regarding same; reviewing maps and property appraiser information	1.80
08/12/15	KLH	Reviewing documents; conferring in office with Ashley Hoffman regarding same; e-mail to Bob Garrison regarding status and course of action; e-mail to experts with documents and information; notes to file	0.30
08/13/15	KLH	Review parcel and owner list and Notice of Filing by CFX; conferring by phone with and e-mail with appraiser Rick Dreggors; notes to file	0.50
08/14/15	AL	Exchanging emails with Rick Dreggors and Kent Hipp regarding review of materials related to project	0.20
08/14/15	KLH	Message with CFX Project Manager; notes to file	0.30
08/18/15	AL	Conferring in office regarding responsive pleadings;	0.80

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CFX re: Wekiva Parkway SR. 46 Realignment Project

		reviewing pleadings from similar matter involving easement interest impacted by CFX project; begin drafting answer	
08/20/15	AL	Exchanging emails with Bill Tipton regarding CFX appraisals and ROW maps; exchanging emails internally regarding same	0.40
08/20/15	AL	Finish drafting answer and affirmative defenses	1.20
08/20/15	KLH	E-mail and Acceptance of Service form from CFX counsel with Shutts and Bowen; notes to file	0.30
08/20/15	KLH	Review initial documents and filing in case; notes to file	0.30
08/21/15	KLH	E-mail from engineer Bill Tipton with road plans; notes to file	0.30
08/24/15	AL	Email from Bill Tipton; reviewing and filing Row plans	0.20
08/24/15	AL	Receipt and review of email attaching appraisal and ROW map; emailing same to Bill Tipton	0.30
08/24/15	KLH	Reviewing documents; review proposed Answer to CFX; review e-mails to experts with documents regarding underlying parcel; notes to file	0.40
08/25/15	AL	Phone call with Kent Hipp regarding Garrison appraisal by CFX	0.10
08/25/15	AL	Critical review of CFX review appraisal and notes to file regarding same; phone call with Bill Tipton; exchanging multiple emails with Kent Hipp regarding Order of Taking hearing, interrogatories, and other issues	1.20
08/25/15	KLH	Review appraisal from CFX; conferring in office with Ashley Hoffman	0.40
08/26/15	AL	Exchanging emails with Bill Tipton and Kent Hipp; reviewing docket and additional strategy emails to Kent Hipp	0.70
08/26/15	KLH	E-mail with Ashley Hoffman regarding Order of Taking questions	0.30
08/27/15	AL	Email to Kent Hipp regarding answer and upcoming hearing	0.10
08/27/15	KLH	E-mail with Ashley Hoffman regarding Answer and case status and strategy	0.40
08/31/15	AL	Reviewing order of taking	0.10
09/08/15	AL	Conferring in office regarding draft answer to new lawsuit including counterclaim for severance damage to Garrison property	0.10

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CFX re: Wekiva Parkway SR. 46 Realignment Project

09/09/15	AL	Reviewing interested party list and draft answer for new lawsuit	0.40
09/14/15	AL	Editing and filing notice of appearance in new lawsuit	0.20
09/18/15	AL	Drafting answer in newest CFX suit and emailing Kent Hipp regarding same; filing answer	0.90
09/18/15	AL	Call from Appraiser Kim Labarre from Calhoun, Dregggers & associates, regarding inspection of property; email to Kim regarding same; conferring in office with Kent Hipp regarding inspection	0.50
09/18/15	KLH	E-mail and conferring in office with Ashley Hoffman regarding appraisers work on owner's behalf; notes to file	0.50
09/22/15	AL	Reviewing docket; exchanging multiple internal emails regarding upcoming order of taking hearing	0.40
09/23/15	AL	Email to Bill Tipton requesting status update on review	0.10
09/30/15	AL	Email from Kent Hipp regarding engineering review	0.10
09/30/15	KLH	E-mail from and to Engineer Tipton regarding status of his analysis; notes to file	0.40
10/06/15	KLH	Reviewing documents; conferring by phone with engineer Bill Tipton regarding case status and tasks; notes to file	0.30
10/21/15	AL	Receipt and review of correspondence from Bank regarding notice of appearance, and updating case file with same	0.30
11/05/15	KLH	E-mail from engineer Bill Tipton with diagrams and documents; notes to file	0.40
11/09/15	KLH	Message and conferring by phone with engineer Bill Tipton regarding documents and status	0.30
11/11/15	KLH	Conferring by phone with engineer Bill Tipton regarding CFX detour map and access issues; e-mail to client regarding same; notes to file	0.50
11/15/15	KLH	Reviewing file; work on e-mail/package to condemning authority regarding issues and settlement; notes to file	0.50
11/16/15	KLH	Reviewing documents; work on detailed e-mail to CFX Project Manager Deb Poindexter regarding access issues; notes to file	0.60
11/18/15	KLH	E-mail to CFX agent Deb Poindexter regarding access issue; e-mail to client; notes to file	0.50
11/22/15	KLH	Reviewing documents; e-mail to CFX Project Manager Deb Poindexter regarding case issues and status; notes to file	0.40

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CFX re: Wekiva Parkway SR. 46 Realignment Project

12/02/15	KLH	Reviewing file; work on case; notes to file	0.50
12/03/15	KLH	E-mail from CFX Project Manager examination of access concerns; e-mail to CFX Project Manager regarding same; notes to file	0.60
12/15/15	KLH	Conferring by phone with Engineer Tipton re status; reviewing documents	0.40
01/12/16	KLH	E-mail from Ashley Hoffman with Trial Order regarding fee owned property near bridge subject to Garrison access easement; notes to file	0.30
01/14/16	KLH	Reviewing documents; conferring by phone with engineer Bill Tipton regarding status of CFX revised access plan sheet and contract with County EMS re same and requirements that CFX maintain EMS access 24/7/365, even during road/bridge construction to protect residents; e-mail to Deb Poindexter; notes to file	0.40
02/07/16	KLH	E-mail with appraiser Rick Dreggors regarding status and course of action; notes to file	0.30
02/09/16	KLH	Review Answer and Affirmative Defenses and Motions by Bank; notes to file	0.30
03/29/16	KLH	Conferring in office with engineer Bill Tipton and review CFX revised detour plan for Coronado Somerset Drive; notes to file	0.40
03/30/16	KLH	Review CFX revised access plan for alternative access during construction; e-mail to and conferring by phone with ROW Project Manager regarding same; e-mail to client regarding same; notes to file	0.70
07/21/17	KLH	Reviewing file; conferring by phone with client and experts regarding status	0.50
07/23/17	KLH	Email and Conferring by phone with Attorney Kurt Baurele regarding severance claims due to taking from access easement; i.e. Glessner claims; notes to file	0.30
07/26/17	KLH	Reviewing documents; site visit and photos; notes to file	1.00
09/04/17	KLH	Work on counter offer to CFX attorney Linda Lanosa; notes to file	0.60
09/22/17	KLH	Review file; conferring by phone with CFX counsel regarding settlement and status; review CFX Notice of Dropping Party; notes to file	0.40
11/19/17	KLH	Reviewing file, draft settlement proposal to CFX counsel; notes to file	0.50
12/12/17	KLH	Conferring by phone with CFX counsel regarding settlement; e-mail with WRAP settlement offer of	0.80

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CFX re: Wekiva Parkway SR. 46 Realignment Project

		\$39,000; notes to file	
01/16/18	KLH	E-mail from CFX counsel regarding status and course of action; notes to file	0.30
01/18/18	KLH	Reviewing documents; conferring by phone with CFX counsel regarding matter status and course of action; notes to file	0.20
01/19/18	KLH	Reviewing documents; conferring by phone with CFX counsel regarding status and course of action; notes to file	0.30
01/20/18	KLH	Re-review Glessner v. Duval County decision; notes to file	0.40
03/01/18	SD	Review case history and recent pleadings; confer with Kent Hipp regarding settlement strategy and possible apportionment arguments of CFX	1.20
03/02/18	SD	Review CFX agenda items for comparison and support of Garrison and possible reverse offer of judgment; review Garrison aerials and appraisal to sufficiently compare	1.20
03/08/18	SD	Research the issue of severance damages and apportionment claims	1.20
03/14/18	KLH	Reviewing documents; conferring by phone with CFX counsel regarding status and course of action; notes to file	0.40
03/23/18	KLH	Reviewing documents; conferring in office with Summer DeGel and e-mail with counter offer to CFX counsel David Shontz; lengthy conferring by phone with attorney Kurt Baurele attorney for fee owners New and McNeal regarding status and course of action; notes to file	0.70
03/26/18	KLH	E-mail with CFX counsel regarding settlement and upcoming hearing; notes to file	0.40
03/27/18	KLH	E-mail to CFX counsel regarding hearing and settlement; e-mail from CFX regarding same; notes to file	0.50
03/28/18	KLH	Multiple e-mails with CFX counsel regarding settlement and CFX "Motion for Final Order of Apportionment"; notes to file	0.50
04/03/18	KLH	E-mail from CFX counsel Suzanne Driscoll requesting explanation of Garrison severance damage claim; e-mail to appraiser Rick Dreggors regarding same; notes to file	0.40
04/05/18	KLH	Review proposed Stipulated Order on Apportionment in Summer Lake Grace case; conferring by phone with attorney Raymer Maguire regarding same; conferring	0.50

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CFX re: Wekiva Parkway SR. 46 Realignment Project

		by phone with attorney Tom Callan regarding same; notes to file	
04/09/18	KLH	Reviewing file; Lengthy conference by phone with CFX Attorney Suzanne Driscoll re: status of multiple cases involving Garrison and law including Glessner case and provide requested explanation of Garrison severance damage claim and amount and discuss settlement; note to file	0.60
04/10/18	KLH	E-mail from and to CFX counsel Suzanne Driscoll regarding fees and costs; e-mail to all experts regarding same; notes to file	0.40
04/23/18	KLH	Complete settlement of cases with CFX Counsel Suzanne Driscoll including multiple Joint Motions and Stipulated Final Judgements and monitor and disburse funds and conferring by phone and email with client re: same	2.00
Current Fees:			\$ 16,640.00
Disbursements:			
08/20/15		Postage and Handling	\$ 6.30
08/27/15		Postage and Handling (1 @ 9.16)	\$ 9.16
09/14/15		Postage and Handling (1 @ 6.79)	\$ 6.79
09/21/15		Postage and Handling (1 @ 9.16)	\$ 9.16
09/24/15		Postage and Handling (1 @ 9.87)	\$ 9.87
Current Disbursements:			\$ 41.28

Calhoun, Dreggors & Associates, Inc.

• Real Estate Appraisers & Consultants •

July 24, 2017

Kent L. Hipp, Esq.
c/o GrayRobinson, P.A.
301 East Pine Street, Suite 1400
Orlando, FL 32801

RE: Owner: Garrison
Project: Wekiva Parkway
Parcel No.: 315
County: Lake

INVOICE

Inspect subject property, review documents, conference calls with owner's representative, pro-rata share of time for research/analysis comparable sales, conference call with engineer, review potential compensation with owner's representative.

LaBarre:	1.75 Hrs. x \$150/Hr. =	\$ 262
Abrams Schmidt:	3.75 Hrs. x \$175/Hr. =	656
Dreggors:	4.50 Hrs. x \$275/Hr. =	<u>1,237</u>
Total		\$2,155

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	GARRISON	KIMBERLY LABARRE
PROJECT	WEKIVA PARKWAY	
PARCEL(S)	315	
COUNTY	LAKE	

DATE	TYPE OF SERVICE	HOURS
11/25/15	REVIEW INFORMATION RECEIVED FROM CFX AND OWNER'S REPRESENTATIVE REGARDING NEW DETOUR PLANS.	0.75
05/20/16	REVIEW DOCUMENTS AND E-MAIL OWNER'S REPRESENTATIVE.	<u>1.00</u>
	TOTAL HOURS	1.75

OWNER	GARRISON	COURTNEY ABRAMS SCHMIDT
PROJECT	WEKIVA PARKWAY	
PARCEL(S)	315	
COUNTY	LAKE	

DATE	TYPE OF SERVICE	HOURS
11/14/16	MEETING WITH RICK TO REVIEW SUBJECT INFORMATION; REVIEW/ANALYSIS OF SUBJECT MATERIAL.	1.75
11/15/16	PRO-RATA SHARE TIME FOR RESEARCH/ANALYSIS OF SALES; REVIEW WITH RICK.	<u>2.00</u>
	TOTAL HOURS	3.75

OWNER	GARRISON	RICHARD C. DREGGORS, GAA
PROJECT	WEKIVA PARKWAY	
PARCEL(S)	315	
COUNTY	LAKE	

DATE	TYPE OF SERVICE	HOURS
08/13/15	REVIEW DOCUMENTS; PULL DATA AND CONFERENCE WITH OWNER'S REPRESENTATIVE.	0.75
08/25/15	DRIVE BY INSPECTION OF SUBJECT; REVIEW DOCUMENTS AND CONFERENCE WITH ENGINEER REGARDING THE SCOPE OF OUR ASSIGNMENT.	1.50
09/14/15	CONFERENCE WITH OWNER'S REPRESENTATIVE REGARDING VALUATION ISSUES FOR THE REMAINDER.	0.25
11/14/16	MEETING WITH ASSOCIATE TO REVIEW OUR ASSIGNMENT.	0.25
11/15/16	REVIEW SALES WITH ASSOCIATE.	0.50
07/21/17	REVIEW FILE; PREPARE AND ATTEND CONFERENCE WITH OWNER'S REPRESENTATIVE TO REVIEW POTENTIAL COMPENSATION.	<u>1.25</u>
	TOTAL HOURS	4.50



Tipton Associates Incorporated

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

Invoice Number: 15844
December 21, 2015
Page number 1

Project 4576: Garrison ROW - Wekiva Pkwy. 2C

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

Professional Services for the period ended December 21, 2015

Project 4576:1 Parcel 315

Professional Services

Chief Engineer/Planner

Hours	Rate	Amount
4.50	\$225.00	\$1,012.50
Services Total		<u>\$1,012.50</u>
Charges Subtotal		<u>\$1,012.50</u>
Invoice Total		<u>\$1,012.50</u>

**STATEMENT OF WORK ACCOMPLISHED
GARRISON ROW – WEKIVA PKWY, 2C
4-576.1**

Invoice No. 15844, December 21, 2015 - \$1,012.50


08/21/15	William E. Tipton Jr. (WTJ) reviewed information from attorney, downloaded construction plans and emailed to attorney (3.5 hours)
11/13/15	WTJ corresponded with attorney regarding proposed CFX detour plan (0.5 hours)
11/18/15	WTJ reviewed attorney's email to CFX proposed detour plan for Coronado Somerset Drive, corresponded with attorney (0.5 hours)



M E M O R A N D U M

TO: Central Florida Expressway Authority, CLIENT-MATTER NO.: 19125.0145
Right-of-Way Committee Members

CC: Linda Brehmer Lanosa, Esq., Deputy General Counsel
David Shontz, Esq.

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

DATE: January 7, 2019

RE: **State Road 429 Wekiva Parkway, Project 429-204:**
CFX v. Daryl A. Alderman, et al. Case No.: 2015-CA-4105-O (P. 242)
Date of Deposit: June 24, 2015

Shutts & Bowen LLP, Right-of-Way Counsel, seeks the recommendation of the Right-of-Way Committee to settle the last outstanding expert fee, as well as, the supplemental attorneys' fees and costs incurred in connection with the litigation of the expert fee incurred by the Respondents, Larry M. Everly, Sr., Trustee of the Larry M. Everly, Sr. Family Trust Dated April 27, 2004 and Corinne F. Everly, Trustee of the Corinne F. Everly Family Trust Dated April 27, 2004 ("Respondents") in the above referenced matter.

DESCRIPTION AND BACKGROUND

Previously, the parties reached an agreement as to all of the Respondents' experts' fees and litigation costs with the exception of Juris Corporation, Inc. ("Juris Corp."). Following the Right-of-Way Committee's recommendation, the CFX Board approved that settlement and those fees and costs were included in the Stipulated Final Judgment as to Parcel 242 entered on January 31, 2018. A copy of the Stipulated Final Judgment is attached hereto as Exhibit "A."

After completing discovery with respect to the invoices submitted by Juris Corp. and the corresponding work product, the parties were able to reach a settlement of the expert fee for Juris Corp. as well as the amount of the supplemental attorneys' fees incurred by Respondents' in connection therewith subject to final approval by the CFX Right-of-Way Committee and Board. A copy of the Settlement Agreement as to Expert Fee of Juris Corp. and Supplemental Attorneys' Fees and Costs is attached as Exhibit "B" to this Memorandum.

JURIS CORP. and SUPPLEMENTAL ATTORNEYS' FEES

The following details the above costs submitted by Respondents' counsel:

- a. Juris Corp. invoices in the sum of \$41,375.00;
- b. Callan Law Firm, P.A. invoice in the sum of \$15,196.50.

RECOMMENDATION

Based upon our extensive knowledge and review of numerous parcels on the project, the amount of fees paid by CFX to its experts in this matter and prior settlements, I recommend approval of the settlement in the amount of \$36,000.00 for Respondents' last remaining expert fee and their supplemental attorneys' fees incurred in connection with the litigation thereof.

This settlement represents a combined 36% reduction in the expert fee and supplemental attorneys' fees invoiced by the Respondents expert and attorney in this matter. In addition, it eliminates the additional attorneys' fees that CFX would be obligated to pay if it were to proceed to a cost hearing. Accordingly, we respectfully request that the Right-of-Way Committee recommend to the CFX Board the approval of the settlement of Respondents' last outstanding expert fee for Juris Corp. and their supplemental attorneys' fees.

ATTACHMENTS

- Exhibit "A" - Stipulated Final Judgment as to Parcel 242
- Exhibit "B" - Settlement Agreement as to Expert Fee of Juris Corp. and Supplemental Attorneys' Fees and Costs
- Exhibit "C" - Juris Corporation invoices
- Exhibit "D" - Callan Law Firm, P.A. Invoices

EXHIBIT "A"

**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,

CASE NO.: 2015-CA-004105-O

Petitioner,

Parcel 242 (Everly)

v.

Subdivision 39

DARYL A. ALDERMAN, et al.,

Respondents.

STIPULATED FINAL JUDGMENT AS TO PARCEL 242

THIS CAUSE having come on for consideration upon the Joint Motion for entry of a Final Judgment by the Petitioner, **CENTRAL FLORIDA EXPRESSWAY AUTHORITY** ("Petitioner" or "CFX"), and the Respondents, **LARRY M. EVERLY, SR., TRUSTEE OF THE LARRY M. EVERLY, SR. FAMILY TRUST DATED APRIL 27, 2004** and **CORINNE F. EVERLY, TRUSTEE OF THE CORINNE F. EVERLY FAMILY TRUST DATED APRIL 27, 2004** ("Respondents"), as the fee owners of Parcel 242, and it appearing to the Court that the parties were authorized to enter into such motion, the Court finding that the compensation to be paid by the Petitioner is full, just and reasonable for all parties concerned and the Court being otherwise fully advised in the premises, it is now, therefore

ORDERED AND ADJUDGED as follows:

1. That the Respondents, **LARRY M. EVERLY, SR., TRUSTEE OF THE LARRY M. EVERLY, SR. FAMILY TRUST DATED APRIL 27, 2004** and **CORINNE F. EVERLY, TRUSTEE OF THE CORINNE F. EVERLY FAMILY TRUST DATED APRIL 27, 2004**, do have and recover of and from the Petitioner the sum of **SEVEN HUNDRED**

NINETY-FIVE THOUSAND NO/100 DOLLARS (\$795,000.00), subject to apportionment claims, if any, in full payment for the property designated as Parcel 242 herein taken, severance damages, business damages, tort damages, if any, interest, and all other damages and claims with the exception of attorney's fees and litigation costs, and expert fees and costs, pursuant to §§73.091 and 73.092, *Florida Statutes* (2017).

2. That the Respondents, **LARRY M. EVERLY, SR., TRUSTEE OF THE LARRY M. EVERLY, SR. FAMILY TRUST DATED APRIL 27, 2004** and **CORINNE F. EVERLY, TRUSTEE OF THE CORINNE F. EVERLY FAMILY TRUST DATED APRIL 27, 2004**, do have and recover of and from the Petitioner the sum of **ONE HUNDRED TWELVE THOUSAND, SEVEN HUNDRED SEVENTY-FIVE AND NO/100 DOLLARS (\$112,775.00)**, in full satisfaction of all attorney's fees and litigation costs for services rendered on behalf of Respondents by the Callan Law Firm, P.A. in this cause, pursuant to §§73.091 and 73.092, *Florida Statutes* (2017), excluding only supplemental attorney's fees, if any, incurred in connection with any cost hearing to recover the expert witness fees of Respondents' expert Juris Corporation, Inc.

3. That the Respondents, **LARRY M. EVERLY, SR., TRUSTEE OF THE LARRY M. EVERLY, SR. FAMILY TRUST DATED APRIL 27, 2004** and **CORINNE F. EVERLY, TRUSTEE OF THE CORINNE F. EVERLY FAMILY TRUST DATED APRIL 27, 2004**, do have and recover of and from the Petitioner the total sum of **ONE HUNDRED TWENTY-FOUR THOUSAND ONE HUNDRED THIRTY-FIVE AND 61/100 DOLLARS (\$124,135.61)** for expert fees and costs, pursuant to §§73.091 and 73.092, *Florida Statutes* (2017), as follows:

a.	Lakemont Group	\$8,300.00
b.	MEI Civil	\$29,250.00
c.	VHB	\$7,150.00
d.	Franklin Street	\$67,500.00
e.	Power Acoustics	\$9,950.00
f.	Court Reporting Costs	\$1,985.61

4. That title to the following described property, to wit: **Exhibit "A"** which vested in the Petitioner pursuant to the Stipulated Order of Taking and deposit on June 24, 2015, heretofore made, is hereby approved, confirmed and ratified.

5. That within thirty (30) days after receipt by the Petitioner of this Final Judgment, Petitioner shall deposit into the Registry of the Court the sum of **THREE HUNDRED SEVENTY-ONE THOUSAND, TWO HUNDRED SEVENTY AND NO/100 DOLLARS (\$371,270.00)**, this sum being the difference between the Petitioner's initial deposit of \$423,900.00 and the final award pursuant to Paragraph 1 herein (subject to apportionment claims, if any). The aforementioned sum to be deposited includes a \$170.00 clerk's fee.

6. That upon deposit set forth above, the Clerk of the Court Registry shall immediately, without further notice or order of the Court, issue a check in the amount of **THREE HUNDRED SEVENTY-ONE THOUSAND, ONE HUNDRED AND NO/100 DOLLARS (\$371,100.00)**, payable to the Trust Account of Callan Law Firm, P.A. and upon issuance of said check contact Thomas P. Callan, Esquire, of the Callan Law Firm, P.A. at (407) 426-9141 so that Mr. Callan or his designee may pick up the check from the Court Registry. The Callan Law Firm, P.A., and not the Central Florida Expressway Authority, shall be responsible for the apportionment of the above-referenced monies, if any.

7. That within thirty (30) days after receipt by the Petitioner of this Final Judgment, Petitioner shall forthwith issue a check for the total amount of **ONE HUNDRED TWELVE THOUSAND, SEVEN HUNDRED SEVENTY-FIVE AND NO/100 DOLLARS (\$112,775.00)**, payable to Callan Law Firm. P.A., and mail said check to: Thomas P. Callan, Esquire, Callan Law Firm. P.A., 921 Bradshaw Terrace, Orlando, Florida 32806, as payment in full for all attorneys' fees and litigation costs as provided in paragraph 2 herein.

8. That within thirty (30) days after receipt by the Petitioner of this Final Judgment, Petitioner shall forthwith issue a check for the total amount of **ONE HUNDRED TWENTY-FOUR THOUSAND ONE HUNDRED THIRTY-FIVE AND 61/100 DOLLARS (\$124,135.61)** payable to the Trust Account of Callan Law Firm, P.A., and mail said check to: Thomas P. Callan, Esquire, Callan Law Firm. P.A., 921 Bradshaw Terrace, Orlando, Florida 32806, as payment in full for all experts' fees and costs as provided in paragraph 3 herein.

9. Respondent shall be fully responsible for any and all apportionment claims as may be asserted by other parties with respect to the compensation proceeds as described in Paragraph 1 of this Stipulated Final Judgment.


10. Respondent shall be responsible for the preparation and transmittal of any I.R.S. 1099 forms as necessary and shall provide CFX with a disclosure form, if appropriate, pursuant to Section 286.23, *Florida Statutes*.

11. That there shall be no further claim by Respondents, LARRY M. EVERLY, SR., TRUSTEE OF THE LARRY M. EVERLY, SR. FAMILY TRUST DATED APRIL 27, 2004 and CORINNE F. EVERLY, TRUSTEE OF THE CORINNE F. EVERLY FAMILY TRUST DATED APRIL 27, 2004, and all parties claiming by, through, under or against said

Respondents, in this action for any further monies from the Petitioner, with the exception of the outstanding expert fees for Juris Corporation, Inc.

12. The parties acknowledge and agree that Petitioner has completed its construction on Parcel 242 and that it has constructed its improvements in substantial conformance with the construction plan sheets attached hereto as **Exhibit "B"**.

DONE AND ORDERED in Chambers at the Orange County Courthouse, Orange County, Florida, this 31 day of January, 2018.



CHRISTI L. UNDERWOOD
Circuit Judge

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the foregoing was filed with the Clerk of the Court this 31st day of January, 2018, by using the Florida Courts E-Filing Portal System. Accordingly, a copy of the foregoing is being served on this day to all attorneys/interested parties identified on the ePortal Electronic Service List, via transmission of Notices of Electronic Filing generated by the ePortal System.

PLTF'S COUNSEL TO SERVE COPY OF THE ORDER.

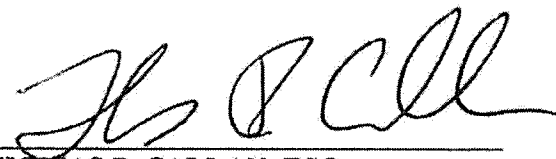
Judicial Assistant

**JOINT MOTION FOR ENTRY OF STIPULATED FINAL JUDGMENT
AS TO PARCEL 242**

The Petitioner, **CENTRAL FLORIDA EXPRESSWAY AUTHORITY**, and the Respondents, **LARRY M. EVERLY, SR., TRUSTEE OF THE LARRY M. EVERLY, SR. FAMILY TRUST DATED APRIL 27, 2004** and **CORINNE F. EVERLY, TRUSTEE OF THE CORINNE F. EVERLY FAMILY TRUST DATED APRIL 27, 2004**, by and through their undersigned counsel, respectfully move for entry of the foregoing Stipulated Final Judgment as to Parcel 242. The undersigned are authorized to enter into this Motion.



DAVID A. SHONTZ, ESQ.
dshontz@shutts.com
Florida Bar No. 0630519
SUZANNE M. DRISCOLL, ESQ.
sdriscoll@shutts.com
Florida Bar No. 827797
SHUTTS & BOWEN LLP
300 S. Orange Avenue, Suite 1600
Orlando, Florida 32801
Phone: 407-835-6722
Fax: 407-849-7273
Secondary E-Mail tmartin@shutts.com;
mfarmer@shutts.com; ehumaran@shutts.com
Attorneys for Petitioner.
Central Florida Expressway Authority
Dated: January 30, 2018



THOMAS P. CALLAN, ESQ.
tcallan@callanlaw.com
Florida Bar No. 729050
CALLAN LAW FIRM, PA
921 Bradshaw Terrace
Orlando, Florida 32806-1209
Telephone: (407) 426-9141
Facsimile: (407) 426-0567
Email: tcallan@callanlaw.com
cfilings@callanlaw.com
Attorneys for Respondents, Everly
Dated: January 29, 2018

LEGAL DESCRIPTION

PARCEL 242
 PURPOSE: LIMITED ACCESS RIGHT OF WAY
 ESTATE: FEE SIMPLE

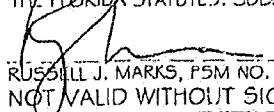
THAT PART OF THE NORTHEAST 1/4 OF SECTION 12, TOWNSHIP 20, SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA, BEING A PORTION OF THE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 07417, PAGE 0819, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:


COMMENCE AT THE NORTHEAST CORNER OF THE NORTHEAST 1/4 OF SECTION 12, TOWNSHIP 20 SOUTH, RANGE 27 EAST (A 1/2" IRON ROD IN WELLBOX AS NOW EXISTS); THENCE SOUTH 89°21'11" WEST ALONG THE NORTH LINE OF SAID SECTION 12, A DISTANCE OF 1341.45 FEET; THENCE DEPARTING SAID NORTH LINE SOUTH 00°21'33" WEST, A DISTANCE OF 30.00 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF ONDICH ROAD AND A POINT ON THE WEST LINE OF THE EAST 1/2 OF THE NORTHEAST 1/4 OF SAID SECTION 12, SAID POINT ALSO BEING ON THE EAST BOUNDARY OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 5576, PAGE 4295 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, AND THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 00°21'33" WEST ALONG SAID WEST LINE, A DISTANCE OF 732.21 FEET; THENCE DEPARTING SAID WEST LINE NORTH 39°34'28" EAST, A DISTANCE OF 218.87 FEET POINT OF CURVATURE; THENCE NORTHEASTERLY ALONG THE ARC OF A CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 1,294.00 FEET, A CENTRAL ANGLE OF 28°09'01" AND A CHORD BEARING OF NORTH 25°29'58" EAST TO A POINT ON SAID SOUTH RIGHT OF WAY LINE OF ONDICH ROAD; THENCE SOUTH 89°21'11" WEST ALONG SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 405.82 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 4.170 ACRES, MORE OR LESS.

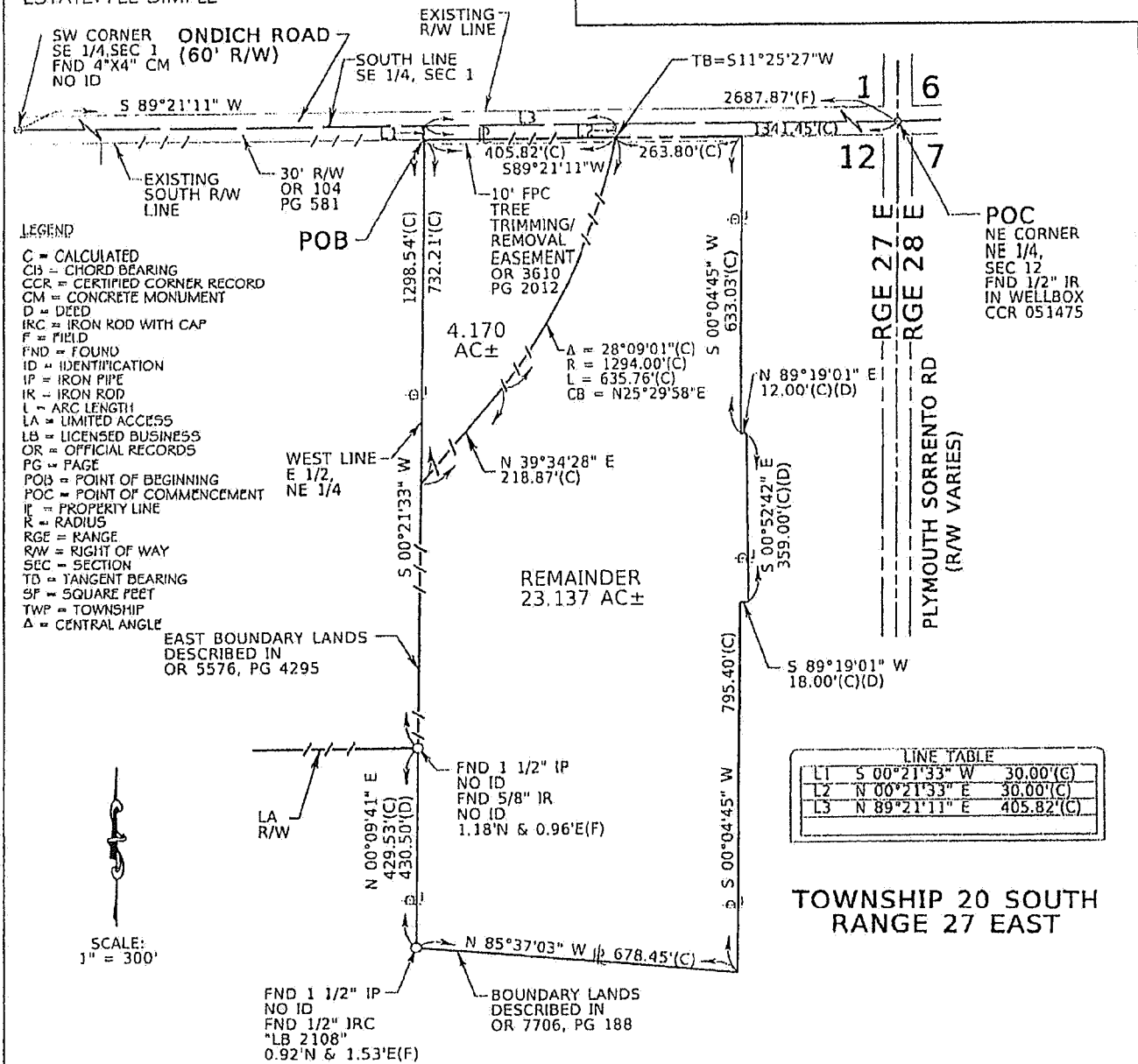
I HEREBY CERTIFY THAT THIS LEGAL DESCRIPTION AND SKETCH IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. I FURTHER CERTIFY THAT THIS LEGAL DESCRIPTION AND SKETCH MEETS THE MINIMUM TECHNICAL STANDARDS AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO CHAPTER 472 OF THE FLORIDA STATUTES. SUBJECT TO NOTES AND NOTATIONS SHOWN HEREON.

 1/28/2015
 RUSSELL J. MARKS, PSM NO. 5623 DATE
 NOT VALID WITHOUT SIGNATURE AND ORIGINAL RAISED SEAL

FOR: CENTRAL FLORIDA EXPRESSWAY AUTHORITY		STATE ROAD 429	
DESIGNED BY: RJM	DATE: 1/28/15	 URS CORPORATION 315 E. ROBINSON STREET SUITE 245 ORLANDO, FL 32801-1949 PH (407) 422-0353 LICENSED BUSINESS NO. 6639	REVISIONS:
DRAWN BY: SMP	JOB NO:		
APPROVED BY: RJM	OOCEA PROJECT NO: 429-204		SHEET: 1 OF 2

SKETCH OF DESCRIPTION

PARCEL: 242
 PURPOSE: LIMITED ACCESS RIGHT OF WAY
 ESTATE: FEE SIMPLE



- GENERAL NOTES:**
1. THE BEARINGS SHOWN HEREON ARE BASED ON THE FLORIDA STATE PLANE COORDINATE SYSTEM, EAST ZONE, 1983 NORTH AMERICAN DATUM, 2007 ADJUSTMENT, WITH THE NORTH LINE OF THE NORTHEAST 1/4 OF SECTION 12, TOWNSHIP 20 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA, HAVING A BEARING OF SOUTH 89°21'11" WEST.
 2. THERE MAY BE OTHER RECORDED DOCUMENTS FOUND IN ORANGE COUNTY RECORDS AFFECTING THIS PROPERTY THAT ARE NOT SHOWN ON THIS SKETCH OF DESCRIPTION.
 3. ATTENTION IS DIRECTED TO THE FACT THESE MAPS MAY HAVE BEEN ALTERED IN SIZE BY REPRODUCTION. THIS MUST BE CONSIDERED WHEN OBTAINING SCALE DATA.
 4. A CERTIFICATE OF TITLE INFORMATION PREPARED BY "FIDELITY NATIONAL TITLE INSURANCE COMPANY" DATED JUNE 9, 2014, FILE NO. 4850286 WAS REVIEWED BY THE SURVEYOR AND EXCEPTIONS (IF ANY) NOTED ON SAID CERTIFICATE ARE SHOWN HEREON.

FOR: CENTRAL FLORIDA EXPRESSWAY AUTHORITY		STATE ROAD 429	
DESIGNED BY: RJM	DATE: 1/28/15	URS URS CORPORATION 315 P. ROBINSON STREET SUITE 245 ORLANDO, FL 32801-1949 PH (407) 422-0353 LICENSED BUSINESS NO. 6839	REVISIONS:
DRAWN BY: SMP	JOB NO:		
APPROVED BY: RJM	OOCEA PROJECT NO: 429-204		SHEET: 2 OF 2

COMPONENTS OF CONTRACT PLANS SET

- ROADWAY PLANS (VOL. 1)
- SIGNING AND MARKING PLANS (VOL. 2)
- FIBER OPTIC NETWORK PLANS (VOL. 2)
- LIGHTING PLANS (VOL. 2)
- STRUCTURE PLANS (VOL. 2)
- ESTHETIC PLANS (VOL. 2)

A DETAILED INDEX APPEARS ON THE KEY SHEET OF EACH COMPONENT

INDEX OF ROADWAY PLANS

SHEET NO.	SHEET DESCRIPTION
1	KEY SHEET
2 - 6	SUMMARY OF PAY ITEMS
7 - 12	DRAINAGE MAP
13	DRAINAGE DATA
14	INTERCHANGE DRAINAGE MAP
15	INTERCHANGE DRAINAGE NOTES
16 - 21	TYPICAL SECTIONS
22 - 24	TYPICAL SECTION DETAILS
25 - 28	SUMMARY OF QUANTITIES
29 - 334	SUMMARY OF DRAINAGE STRUCTURES
35	GENERAL NOTES
36 - 37	PROJECT LAYOUT
38	REFERENCE TIES
39	GENERAL NOTES
40	GENERAL NOTES
41 - 81	GENERAL NOTES
82 - 128	GENERAL NOTES
129 - 134	GENERAL NOTES
135 - 234	GENERAL NOTES
235 - 240	GENERAL NOTES
241 - 253	GENERAL NOTES
254 - 256	GENERAL NOTES
257 - 258	GENERAL NOTES
259 - 260	GENERAL NOTES
261 - 432	GENERAL NOTES
433 - 497	GENERAL NOTES
498 - 503	GENERAL NOTES
504 - 544	GENERAL NOTES
545 - 548	GENERAL NOTES
549	GENERAL NOTES
550	GENERAL NOTES

REVISIONS

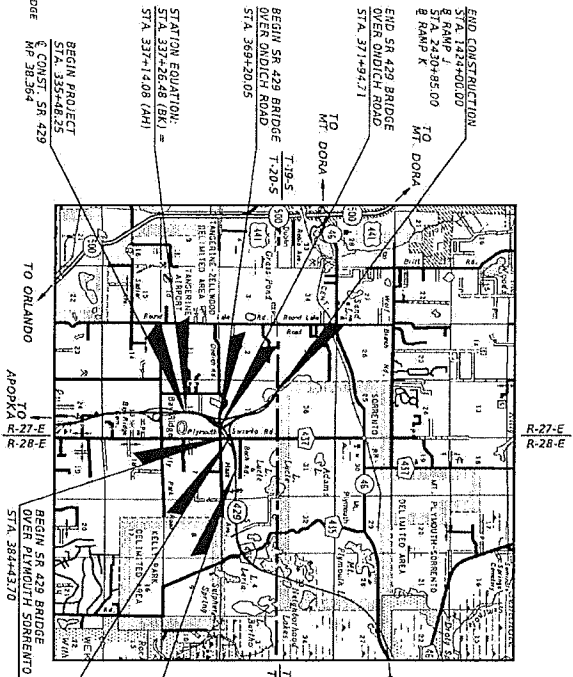
GOVERNING STANDARDS AND SPECIFICATIONS
 FEDERAL HIGHWAY ADMINISTRATION DESIGN STANDARDS
 FISCAL YEAR 2016 AND STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE
 CONSTRUCTION DATED 2014, AS AMENDED BY CONTRACT DOCUMENTS.

APPLICABLE DESIGN STANDARDS MODIFICATIONS: 07/01/14
 For Design Standards modifications click on
 Design Standards at the following web site:
<http://www.dot.state.fl.us/roadsign/>

WEKIVA PARKWAY - 429-204
APPROVED FOR CONSTRUCTION
NOVEMBER 2015

THIS PROJECT TO BE CONSTRUCTED WITH
 CFX PROJECT NOS. 429-203A, 429-205A

CENTRAL FLORIDA EXPRESSWAY AUTHORITY
PLANS OF PROPOSED S.R. 429 (WEKIVA PARKWAY) N. OF KELLY PARK RD. TO E. OF PLYMOUTH-SORRENTO RD.
ORANGE COUNTY CFX PROJECT NUMBER - 429-204



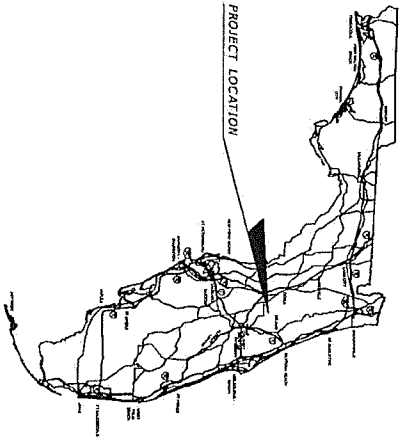
LENGTH OF PROJECT

ROADWAY	LINEAR FEET	MILES
ROADWAY	7,614.59	1.442
BRIDGES	415.66	0.079
NET LENGTH OF PROJECT	8,030.25	1.521
EXCEPTIONS		
GROSS LENGTH OF PROJECT	8,030.25	1.521

KEY SHEET REVISIONS

DATE	DESCRIPTION

CFX PROJECT MANAGER: GLENN M. PRESSIMONE, P.E.



- CENTRAL FLORIDA EXPRESSWAY AUTHORITY BOARD MEMBERS**
- WELTON CABWELL - CHAIRMAN
 - S. SCOTT GIBBO - VICE CHAIRMAN
 - BUDDY DYER - VICE CHAIRMAN
 - FRED HAWKINS, JR. - VICE CHAIRMAN
 - TERESA JACOBS - VICE CHAIRMAN
 - JAY MADARA - VICE CHAIRMAN
 - S. MICHAEL SCHERENGA - VICE CHAIRMAN

ROADWAY SHOP DRAWINGS TO BE SUBMITTED TO:
 SUSAN A. GRATCUL, P.E.
 482 S. KELLER ROAD
 ORLANDO, FL 32810

PLANS PREPARED BY:
ATKINS
 ATKINS NORTH AMERICA, INC.
 10000 WINDY HILL ROAD
 ORLANDO, FL 32810
 (407) 647-7715
 VENDOR #: 59089638007
 CERTIFICATE OF AUTHORIZATION #: 24
 CONTRACT #: 908988

NOTE: THE SCALE OF THESE PLANS MAY HAVE CHANGED DUE TO REPRODUCTION.

VOLUME 1 OF 2

ROADWAY PLANS
 ENGINEER OF RECORD: SUSAN A. GRATCUL, P.E.

P.E. NO.: 40134

FISCAL YEAR	SHEET NO
15	1

EXHIBIT "B"

**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,

CASE NO.: 2015-CA-004105-O

Petitioner,

Parcel 242 (Everly)

v.

Subdivision 39

DARYL A. ALDERMAN, et al.,

Respondents.

**SETTLEMENT AGREEMENT AS TO EXPERT FEE OF JURIS CORP. AND
SUPPLEMENTAL ATTORNEYS' FEES AND COSTS**

During settlement negotiations, Petitioner, CENTRAL FLORIDA EXPRESSWAY AUTHORITY (referred to as "Petitioner" or "CFX"), and Respondents, LARRY M. EVERLY, SR., TRUSTEE OF THE LARRY M. EVERLY, SR. FAMILY TRUST DATED APRIL 27, 2004 and CORINNE F. EVERLY, TRUSTEE OF THE CORINNE F. EVERLY FAMILY TRUST DATED APRIL 27, 2004 ("Respondents"), reached the following Settlement Agreement:

1. Petitioner will pay to the Callan Law Firm, P.A. Trust Account, 921 Bradshaw Terrace, Orlando, Florida 32806, the total sum of **THIRTY SIX THOUSAND AND NO/100 DOLLARS (\$36,000.00)**, in full settlement of the expert fee of Juris Corporation, Inc. and supplemental attorneys' fees and costs of the Callan Law Firm, P.A. incurred on behalf of Respondents in this matter.
2. Respondents will seek no further experts' fees, attorneys' fees or costs in this matter.
3. 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.
4. Counsel for Petitioner and Respondent will jointly submit to the Court a mutually approved Agreed Order Taxing Expert's Fees and Supplemental Attorneys' Fees and Costs 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.
5. 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

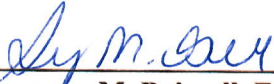
applicable, for the limited purpose of consideration of this proposed Settlement Agreement by the ROW Committee and the CFX Board.

6. This Agreement resolves all claims whatsoever, including claims of compensation arising from the taking of Parcel 242, severance damages, business damages, tort damages, interest, statutory attorney's fees, supplemental attorneys' fees, attorney's costs, expert fees, expert costs, and any other claims that may have been raised in connection with this matter.

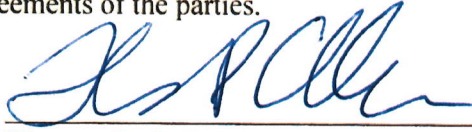
7. On December 15, 2015, Respondents executed and delivered to the undersigned counsel for the Central Florida Expressway Authority the Public Disclosure Affidavit of Interests in Real Property as required by Section 286.23, *Florida Statutes*.

8. Respondents shall be responsible for the preparation and transmittal of any I.R.S. 1099 forms as may be necessary.

9. This Settlement Agreement, executed by the counsel for the parties listed below on this 7th day of January, 2019 contains all the agreements of the parties.



Suzanne M. Driscoll, Esq.
SHUTTS & BOWEN LLP
Counsel for Petitioner,
Central Florida Expressway Authority



Thomas P. Callan, Esq.
CALLAN LAW FIRM
Counsel for Respondents,
LARRY M. EVERLY, SR., TRUSTEE OF
THE LARRY M. EVERLY, SR. FAMILY
TRUST DATED APRIL 27, 2004 and
CORINNE F. EVERLY, TRUSTEE OF
THE CORINNE F. EVERLY FAMILY
TRUST DATED APRIL 27, 2004

EXHIBIT "C"



Juris Corporation
 255 South Orange Avenue
 Suite 101
 Orlando, FL 32801
 407-648-0405



Invoice # 9735
 Invoice Date: 4/21/2015



Thomas P. Callan, P.A.
 921 Bradshaw Terrace
 Orlando, FL 32806

Description	Hours/Day	Rate	Amount
Case: Everly Attn: Tom Callan, Esq., Stephanie Tate and Melanie Richmond R. Scott - site location photos and video shoot on April 16, 2015 and editing and video stabilization in studio.	4	185.00	740.00

Please make checks payable to: Juris Corporation.

 Invoices are due and payable when rendered. Invoices not paid within 30 days of the invoice date are past due and will be assessed a finance charge of 1.5% per month.

Federal ID Number: 59-2813163

Total	\$740.00
Payments/Credits	\$0.00
Balance Due	\$740.00



Juris Corporation
255 South Orange Avenue
Suite 101
Orlando, FL 32801
407-648-0405

Invoice #: 9743
Invoice Date: 6/30/2015

Bill to:

Thomas P. Callan, P.A.
921 Bradshaw Terrace
Orlando, FL 32806

Description	Hours/Day	Rate	Amount
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Case: Everly
Attn: Tom Callan, Esq., Stephanie Tate and Melanie Richmond

R. Scott, Project Management and staff orientation for 3D animation and Client meeting with team	10	185.00	1,850.00
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Please make checks payable to: Juris Corporation.

Invoices are due and payable when rendered. Invoices not paid within 30 days of the invoice date are past due and will be assessed a finance charge of 1.5% per month.

Federal ID Number: 59-2813163

Total	\$1,850.00
Payments/Credits	\$0.00
Balance Due	\$1,850.00



Juris Corporation
255 South Orange Avenue
Suite 101
Orlando, FL 32801
407-648-0405

Invoice #: 9751
Invoice Date: 8/31/2015

Bill To:

Thomas P. Callan, P.A.
921 Bradshaw Terrace
Orlando, FL 32806

Description	Hours/Qty	Rate	Amount
Case: Everly Attn: Mr. Tom Callan, Esq., Stephanie Tate and Melanie Richond Layout and beginning 3D environment modeling for upcoming visualizations and animation for the month of August, 2015 - Staff	21.5	185.00	3,977.50

Please make checks payable to: Juris Corporation.

Invoices are due and payable when rendered. Invoices not paid within 30 days of the invoice date are past due and will be assessed a finance charge of 1.5% per month.

Federal ID Number: 59-2813163

Total	\$3,977.50
Payments/Credits	\$0.00
Balance Due	\$3,977.50



Juris Corporation
255 South Orange Avenue
Suite 101
Orlando, FL 32801
407-648-0405

Invoice #: 9765
Invoice Date: 1/4/2016

Bill To:

Thomas P. Callan, P.A.
921 Bradshaw Terrace
Orlando, FL 32806

Description	Hours/Qty	Rate	Amount
Case: Everly Attn: Mr. Tom Callan, Esq., Melanie Tate and Katherine Ewing			
Development of 3D model of SR 429 at subject property with on/off ramps, including computer modeling and test rendering through December, 2015	21	185.00	3,885.00

Please make checks payable to: Juris Corporation.
Invoices are due and payable when rendered. Invoices not paid within 30 days of the invoice date are past due and will be assessed a finance charge of 1.5% per month.

Federal ID Number: 59-2813163

Total	\$3,885.00
Payments/Credits	\$0.00
Balance Due	\$3,885.00



Juris Corporation
255 South Orange Avenue
Suite 101
Orlando, FL 32801
407-648-0405

Invoice #: 9767
Invoice Date: 2/2/2016

Bill To

Thomas P. Callan, P.A.
921 Bradshaw Terrace
Orlando, FL 32806

Description	Hours/Qty	Rate	Amount
Case: Everly Attn: Mr. Tom Callan, Esq., Stephanie Tate and Katherine Ewing For work performed in the month of January, 2016 on 3D model and visualizations on SR 429 and ramps at the Everly property.			
R. Scott, Project Management	45	185.00	8,325.00
Technical Staff - 3D modeling and computer graphics	32.5	185.00	6,012.50

Please make checks payable to: Juris Corporation.

Invoices are due and payable when rendered. Invoices not paid within 30 days of the invoice date are past due and will be assessed a finance charge of 1.5% per month.

Federal ID Number: 59-2813163

Total	\$14,337.50
Payments/Credits	\$0.00
Balance Due	\$14,337.50



Juris Corporation
255 South Orange Avenue
Suite 101
Orlando, FL 32801
407-648-0405

Invoice #: 9768
Invoice Date: 2/29/2016

Billed to:

Thomas P. Callan, P.A.
921 Bradshaw Terrace
Orlando, FL 32806

Description	Hours/Qty	Rate	Amount
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Case: Everly

Attn: Mr. Tom Callan, Esq., Stephanie Tate and Katherine Ewing

For continuing work on 3D visualizations in the month of February, 2016 for the above matter.

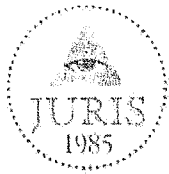
R. Scott, Project Management and Design	6	185.00	1,110.00
Technical Staff - 3D Modeling and Rendering	33	185.00	6,105.00

Please make checks payable to: Juris Corporation.

Invoices are due and payable when rendered. Invoices not paid within 30 days of the invoice date are past due and will be assessed a finance charge of 1.5% per month.

Federal ID Number: 59-2813163

Total	\$7,215.00
Payments/Credits	\$0.00
Balance Due	\$7,215.00



Juris Corporation
255 South Orange Avenue
Suite 101
Orlando, FL 32801
407-648-0405

Invoice #: 9771
Invoice Date: 4/12/2016

Bill To

Thomas P. Callan, P.A.
921 Bradshaw Terrace
Orlando, FL 32806

Description	Hours/Day	Rate	Amount
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Case: Everly
Attn: Mr. Tom Callan, Esq., Stephanie Tate and Katherine Ewing

For work performed on the above matter during the month of March, 2016, including:

Development of final day and night views of SR 429 and ramps -

R. Scott	7.5	185.00	1,387.50
3D Visualization Staff	14	185.00	2,590.00

Please make checks payable to: Juris Corporation.

Invoices are due and payable when rendered. Invoices not paid within 30 days of the invoice date are past due and will be assessed a finance charge of 1.5% per month.

Federal ID Number: 59-2813163

Total	\$3,977.50
Payments/Credits	\$0.00
Balance Due	\$3,977.50



Juris Corporation
 255 South Orange Avenue
 Suite 101
 Orlando, FL 32801
 407-648-0405

Invoice #: 9784
 Invoice Date: 8/30/2016

Bill to:

Thomas P. Callan, P.A.
 921 Bradshaw Terrace
 Orlando, FL 32806

Description	Hours/Qty	Rate	Amount
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Case: Everly
 Attn: Mr. Tom Callan, Esq. and Ms. Katherine Ewing

Development of multimedia presentation, including photos, video, and graphics through August 28th, 2016 -

Robert Scott	15	185.00	2,775.00
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Please make checks payable to: Juris Corporation.
 Invoices are due and payable when rendered. Invoices not paid within 30 days of the invoice date are past due and will be assessed a finance charge of 1.5% per month.

Federal ID Number: 59-2813163

Total	\$2,775.00
Payments/Credits	\$0.00
Balance Due	\$2,775.00



Juris Corporation
255 South Orange Avenue
Suite 101
Orlando, FL 32801
407-648-0405

Invoice #: 9807
Invoice Date: 7/27/2017



Callan Law Firm, P.A.
921 Bradshaw Terrace
Orlando, FL 32806

Description	Hours/Qty	Rate	Amount
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Case: CFX v. Everly
Attn: Katherine Ewing

Staff - Updates to 3D illustrations, including computer graphics and rendering of day and night views	10.5	185.00	1,942.50
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Please make checks payable to: Juris Corporation.

Invoices are due and payable when rendered. Invoices not paid within 30 days of the invoice date are past due and will be assessed a finance charge of 1.5% per month.

Federal ID Number: 59-2813163

Total	\$1,942.50
Payments/Credits	\$0.00
Balance Due	\$1,942.50



Juris Corporation
255 South Orange Avenue
Suite 101
Orlando, FL 32801
407-648-0405

Invoice #: 9818
Invoice Date: 11/14/2017

Bill To:

Callan Law Firm, P.A.
921 Bradshaw Terrace
Orlando, FL 32806

Description	Hours/Qty	Rate	Amount
Case: Everly Attn: Ms. Katherine Ewing			
Deposition on the above matter on October 30, 2017	3	225.00	675.00

Please make checks payable to: Juris Corporation.

Invoices are due and payable when rendered. Invoices not paid within 30 days of the invoice date are past due and will be assessed a finance charge of 1.5% per month.

Federal ID Number: 59-2813163

Total	\$675.00
Payments/Credits	\$0.00
Balance Due	\$675.00

EXHIBIT "D"

Callan Law Firm, P.A.

921 Bradshaw Terrace
Orlando, FL 32806

Ph:407-426-9141

Fax:407-426-0567

Larry & Corinne Everly
3131 Lakeshore Dr.
Mount Dora, FL
32757

September 21, 2018

Attention:

File #: Everly-1115
Inv #: 1955

RE: Supplemental Fees; CFX v. Everly Parcel 242)

DATE	DESCRIPTION	HOURS	AMOUNT	LAWYER
Jul-24-17	Received invoice for Franklin Street 00155; Input invoice into computer; Filed; Updated fees and costs spreadsheet.	0.50	52.50	KAE
Jul-27-17	Received invoice from VHB; Input invoice into computer; Filed; Updated fees and costs spreadsheet.	0.50	52.50	KAE
Jul-28-17	Received invoice from Power Acoustics 17-07312; Input invoice into computer; Filed; Updated fees and costs spreadsheet.	0.50	52.50	KAE
Aug-30-17	Received invoice from Juris Corp 9784; Input invoice into computer; Filed; Updated fees and costs spreadsheet.	0.50	52.50	KAE
Nov-09-17	Updated fees and costs spreadsheet	2.00	210.00	KAE
Nov-10-17	Received Invoice from MEI Civil Invoice 193021H-1; Input invoice into computer; Filed; Updated fees and costs spreadsheet.	0.50	52.50	KAE
	Updated Franklin Street Invoice.	0.50	52.50	KAE
	Received invoice from Power Acoustics 17-11349; Input invoice into computer; Filed; Updated fees and costs spreadsheet.	0.50	52.50	KAE
Nov-11-17	Received invoice from Lakemont Group; Input	0.50	52.50	KAE

	invoice into computer; Filed; Updated fees and costs spreadsheet.			
Nov-28-17	reviewed L. Lanosa email re expert fees.	0.30	127.50	TPC
	mark up counter offer on experts fees, confer with experts, call all, meeting with KAE	0.80	360.00	TPC
	update expert fee file on recent negotiations	0.40	42.00	KAE
Nov-29-17	analysis expert fees, confer with experts, confer with Katherine	1.40	630.00	TPC
Nov-30-17	Reviewed draft proposal of expert fees	0.50	212.50	TPC
	reviewed email from S. Driscoll re Expert Fees	0.30	127.50	TPC
Dec-03-17	Reviewed executed copy of Settlement Agreement for Exoert Fees and costs	0.50	212.50	TPC
Dec-12-17	email to Juris	0.30	135.00	TPC
	receive email from OOCEA on Power Acccountics, forward to client, confer with TPC	0.40	42.00	KAE
Dec-13-17	reviewed emails re Power Acoustics settlement numbers	0.30	127.50	TPC
	email chaings from OOCEA and Juris	0.40	180.00	TPC
Dec-14-17	meeting with Juris on invoices at office	1.00	450.00	TPC
Jan-12-18	Reviewed Order Continuing Jury Trial	0.30	127.50	TPC
Jan-29-18	tc with expert(s), mtg with staff on tasks, analysis of issues; strategy conference.	1.00	425.00	TPC
Feb-01-18	review email with Drisocll and Juris, tc with Juris, review email from Juris	0.60	270.00	TPC
Feb-05-18	Drafted and filed Respondents' Motion to Tax Experts' Fees and Costs and Supplemental Attorneys' Fees and Costs as to Parcel 113.	1.50	637.50	TPC
Feb-06-18	review Juris invoices , creat exhibit for hearing, and negotiation	1.50	675.00	TPC

Feb-08-18	email chains on Juris fees	1.00	450.00	TPC
Feb-13-18	email chains 5 emails on juris feets negotiations calcuation and authority and counters	1.00	450.00	TPC
Feb-14-18	Telephone call with Bob Scott/Juris Corp. regarding settlement negotiation of fees	0.70	297.50	TPC
Feb-15-18	TC with Suzanne Driscoll.	0.30	127.50	TPC
	email chains tc to OOCEA	0.80	360.00	TPC
Mar-05-18	Reviewed CFX Request for Production to Respondent	0.30	127.50	TPC
	Analysis of issues; strategy conference.	1.00	425.00	TPC
Mar-08-18	Everly Closing	1.00	425.00	TPC
	email to Englemann, review email	0.20	90.00	TPC
	Draft closing documents; TPC review and approve documents; Disbursement of proceeds	2.00	210.00	KAE
Mar-09-18	process expert payments from trust and operating	0.50	225.00	TPC
Mar-21-18	review letter to Judge Roche	0.20	90.00	TPC
Mar-23-18	Analysis of issues; strategy conference.	1.00	425.00	TPC
Apr-06-18	Reviewed Letter to Judge Roche; Analysis of issues; strategy conference.	1.00	425.00	TPC
Apr-13-18	Reviewed Order of Recusal	0.30	127.50	TPC
Apr-17-18	Analysis of issues; strategy conference.	1.00	425.00	TPC
May-07-18	Follow-up with Bob Scott re documents for request to produce	1.50	637.50	TPC
May-23-18	Review Response to RTP	1.00	425.00	TPC
	Drafting Response to Petitioner's Request to Produce as to Juris Corp fee and compile documents, file and mail same to Petitioner	6.00	990.00	LJO

Jun-11-18	Analysis of issues; strategy conference.	1.00	425.00	TPC
Jul-03-18	Reviewed correspondence to Judge Rodriguez	0.50	212.50	TPC
Jul-09-18	Analysis of issues; strategy conference.	1.00	425.00	TPC
Jul-23-18	Follow-up on hearing status; Analysis of issues; strategy conference.	1.00	425.00	TPC
Aug-07-18	Analysis of issues; strategy conference.	1.00	425.00	TPC
Aug-23-18	email to Driscoll	0.30	31.50	KAE
Aug-24-18	Received and reviewed e-mail from Juris	1.00	425.00	TPC
	review email from Juris on settlement of all, to	0.60	270.00	TPC
Aug-29-18	Coordinate status conference with CFX; Confirm with TPC	0.70	73.50	KAE
Aug-30-18	TC with Juris	0.80	340.00	TPC
	Totals	46.20	\$15,196.50	

Total Fee & Disbursements

\$15,196.50**Balance Now Due**

\$15,196.50

TAX ID Number 59-3482560

CENTRAL FLORIDA EXPRESSWAY AUTHORITY

MEMORANDUM

TO: CFX Right of Way Committee Members

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

DATE: January 16, 2019

RE: *Central Florida Expressway Authority v. Robert M. Grossenbacher, et al.*
Case No. 2014-CA-008617-O, Project: 429-202, Parcel 800 (Parts A and B)
Undivided Fee Interest in Southfork Drive: Earl D. and Adelaida Diaz Wilson
Date of Value: September 26, 2014

PROPERTY DESCRIPTION

This eminent domain case involves the acquisition of an easement interest over a private driveway or right of way known as Southfork Drive west of Plymouth Sorrento Road. The driveway consists of 1.95 gross acres and provides access to eight (8) platted lots west of State Road ("S.R.") 429 as shown in the map below.



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

By deposit into the Registry of the Court on September 26, 2014, CFX acquired a perpetual easement for a bridge over Southfork Drive and for a transmission line easement, designated as Parts A and B, respectively. Part A has a size of 0.400 acres or 17,436 square feet ("sf") and Part B is 0.081 acres or 3,528 sf. According to the Easement Term Sheet, CFX has a perpetual easement on, over and through the property for the purposes of operation, improvement, maintenance, repair and replacement of the project, including a perpetual air-rights easement above the plane that is fourteen feet, six inches (14' 6") above the highest point of the property.

APPRAISED VALUE OF SOUTHFORK DRIVE

Parcel 800 (Parts A and B) was appraised by Chris Starkey, MAI, who estimated full compensation at \$11,000 for Part A and \$2,200 for Part B, for a total of **\$13,200**. He valued the property at \$29,000 per acre utilizing an "Across the Fence" valuation technique with comparable sales ranging from \$24,000 to \$46,882.

ANALYSIS

At the time of the taking, a number of individuals held undivided fee interests in Southfork Drive as tenants in common, including the Central Florida Expressway Authority ("CFX"). Earl D. and Adelaida Diaz Wilson ("the Wilsons") own a 2/8 undivided fee interest in Southfork Drive. Unlike most of the other undivided fee owners of Southfork Drive, the Wilsons' property is directly adjacent to the newly constructed S.R. 429. As a result, the Wilsons sought compensation for issues related to impacts from construction activities arising from the removal of trees, damage to plant inventory, and damage to the fence. Although CFX previously acquired property from the Wilsons as part of the Maitland Extension and an easement interest over their undivided fee interest in Southfork Drive, the easement interest had to be expanded to include the utility easement designated as Parcel 800, Part B and to address the height of the bridge.

PROPOSED SETTLEMENT

After lengthy discussions, the parties reached a proposed all-inclusive settlement for the sum of **Twelve Thousand Dollars (\$12,000)**, 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, costs, apportionment claims, or other supplemental proceedings. In addition, the Wilsons agreed to assign to CFX any claim they may have to the previously deposited good faith estimate of value and agreed to waive any apportionment claim that they may have or will have. Last, the Wilsons agreed to release all claims against CFX arising from the taking of Parcel 800 (Parts A and B), the taking of Parcel 103, the construction of CFX Project Nos. 429-201 and 429-202, or any other claims related to or arising from the State Road 429 Project or the Wekiva Parkway Project.

REQUESTED ACTION

We respectfully request that the Right of Way Committee recommend that CFX Board approve an all-inclusive settlement with Earl and Adelaide Wilson in the amount of **Twelve Thousand Dollars (\$12,000)**, as more particularly described in the attached Settlement Agreement, in full settlement of all claims of compensation from CFX 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, costs, apportionment claims, other supplemental proceedings, or any other claim.

ATTACHMENT

1. Settlement Agreement

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,

CASE NO. 2014-CA-008617-O

v.

Division 39

ROBERT M. GROSSENBACHER; ;
EARL D. WILSON, JR. and ADELAIDA DIAZ
WILSON, husband and wife; ;
FREDDIE T. JONES and EULA B. JONES,
husband and wife; SANDRA L. JONES;
ITAY SHRAGA GUY; KEREN HALPERIN-GUY;
. . . . ; BANK OF AMERICA, N.A.; et al.;

Parcels: 800 (Parts A & B)

Respondents.

SETTLEMENT AGREEMENT WITH GENERAL RELEASE

As a result of ongoing settlement discussions, Respondents, EARL D. WILSON, JR. and ADELAIDA DIAZ WILSON, husband and wife, and a representative of the Central Florida Expressway Authority reached the following Settlement Agreement:

1. Petitioner will pay to Respondents, EARL D. WILSON, JR. and ADELAIDA DIAZ WILSON, husband and wife, (referred to as "Respondents") the sum of **TWELVE THOUSAND DOLLARS (\$12,000.00)**, in full settlement of all claims for compensation from Petitioner whatsoever for the taking of Parcel 800 (Parts A and B), including statutory interest and all claims related to real estate and business damages, severance damages, tort damages, attorney's fees and litigation costs, expert witness fees, costs, apportionment claims, or other supplemental proceedings. Respondents shall make no claim against Petitioner for any attorneys' fees or costs in connection with any apportionment claim or supplemental proceeding.

2. Bank of America's mortgage interest has been satisfied and, as a result, the parties believe in good faith that Bank of America has no claim to the proceeds in this case.

3. Petitioner previously deposited in the Registry of the Court Petitioner's good faith estimate in the amount of Thirteen Thousand Two Hundred Dollars (\$13,200). Within twenty days (20) days from the date of receipt by Petitioner's counsel of a conformed copy of the Stipulated Final Judgment, Petitioner will pay to the trust account of counsel for Respondents the

sum of \$12,000.00. Respondents hereby assign to Petitioner any claim Respondents may have to the previously deposited good faith estimate and Respondents hereby waive any apportionment claim that they may have or will have. Nothing herein precludes Petitioner from raising any argument as to apportionment, including arguments that may exist absent a waiver. Respondents agree that in the event that the Clerk distributes funds from the court registry to Respondents, Respondents will promptly transmit such payment to Petitioner.

4. Respondents do hereby forever unconditionally and irrevocably release, acquit and discharge Petitioner and its affiliates, assigns, attorneys, employees, officers, managers, directors, shareholders, agents, contractors, predecessors and successors (collectively, the "**Released Parties**") from any and all claims and causes of action, suits, covenants, contracts, judgments, obligations, promises, agreements, controversies, damages, debts and demands, liabilities and losses of every kind, character, and nature, whether in contract or in tort, at law or in equity, that Respondents have ever had or now have, now known or unknown, or that any affiliate, successors or assigns of Respondents may have or claim to have against the Released Parties, or any of them, by reason of acts, omissions or events that occurred prior to the date of this Settlement Agreement and which arose or may have arose in connection with the taking of Parcel 800 (Parts A and B), Parcel 103, the construction of CFX Project Nos. 429-201 and 429-202, or any other claims related to or arising from the State Road 429 Project or the Wekiva Parkway Project. By signing below, each Respondent confirms that he/she has executed this Release of his/her own volition, with full knowledge of the extent and effect of the various releases granted by this Release and of the importance to the Released Parties of these releases and after having had the opportunity to discuss this matter with counsel of their own choice. This Release shall be governed by and construed and enforced in accordance with the laws of the State of Florida.

5. 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.

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. 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.

8. This Agreement resolves all claims whatsoever, including claims of compensation arising from the taking of Parcel 800 (Parts A and B), including statutory interest, severance damages, business damages, tort damages, interest, attorney's fees, attorney's costs, expert fees, expert costs, and any other claim. Respondents represent that there are no apportionment claims.

9. Respondents shall execute and deliver to the undersigned counsel for the Central

Florida Expressway Authority the Public Disclosure Affidavit of Interests in Real Property as required by Section 286.23, *Florida Statutes*.

10. Respondents shall be responsible for the preparation and transmittal of any I.R.S. 1099 forms as necessary and shall provide CFX with a disclosure form, if appropriate, pursuant to Section 286.23, Florida Statutes.

This Settlement Agreement, executed by the parties and their counsel on this _____ day of _____, contains all the agreements of the parties.

Print Name: _____
Central Florida Expressway Authority

Print Name: _____
Owner

Print Name: _____
Owner

Print Name: _____
Owner

Print Name: _____
Attorney for Owner

Earl and Cookie Wilson

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.

7.8. This Agreement resolves all claims whatsoever, including claims of compensation arising from the taking of Parcel 800 (Parts A and B), including statutory interest, severance damages, business damages, tort damages, interest, attorney's fees, attorney's costs, expert fees, expert costs, and any other claim. Respondents represent that there are no apportionment claims.

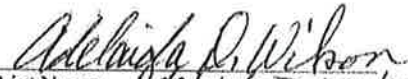
8.9. Respondents shall execute and deliver to the undersigned counsel for the Central Florida Expressway Authority the Public Disclosure Affidavit of Interests in Real Property as required by Section 286.23, Florida Statutes.

9.10. Respondents shall be responsible for the preparation and transmittal of any I.R.S. 1099 forms as necessary and shall provide CFX with a disclosure form, if appropriate, pursuant to Section 286.23, Florida Statutes.

This Settlement Agreement, executed by the parties and their counsel on this _____ day of _____, contains all the agreements of the parties.

Print Name: _____
Central Florida Expressway Authority


Print Name: Earl D. Wilson
Owner


Print Name: Adelaida D. Wilson
Owner

Print Name: _____
Owner


Print Name: Kwit Bama
Attorney for Owner

CENTRAL FLORIDA EXPRESSWAY AUTHORITY

MEMORANDUM

TO: CFX Right of Way Committee Members

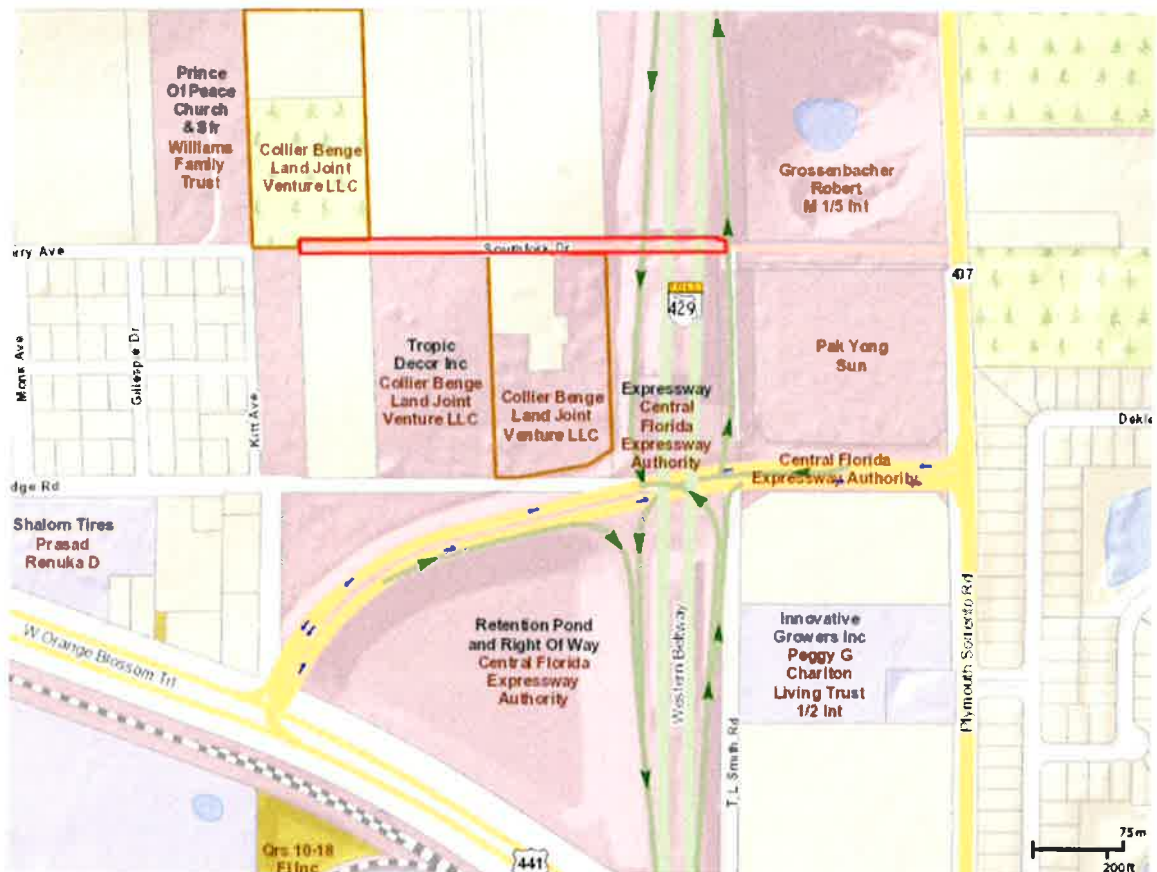
FROM: Linda S. Brehmer Lanosa, Deputy General Counsel *Linda S.B.L.*

DATE: January 16, 2019

RE: *Central Florida Expressway Authority v. Robert M. Grossenbacher, et al.*
Case No. 2014-CA-008617-O, Project: 429-202, Parcel 800 (Parts A and B)
Undivided Fee Interest in Southfork Drive: Freddie Jones, the late Eula Jones, and their daughter, Sandra Jones; Date of Value: September 26, 2014

PROPERTY DESCRIPTION

This eminent domain case involves the acquisition of an easement interest over a private driveway or right of way known as Southfork Drive west of Plymouth Sorrento Road. The driveway consists of 1.95 gross acres and provides access to eight (8) platted lots west of State Road ("S.R.") 429 as shown in the map below.



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

By deposit into the Registry of the Court on September 26, 2014, CFX acquired a perpetual easement for a bridge over Southfork Drive and for a transmission line easement, designated as Parts A and B, respectively. Part A has a size of 0.400 acres or 17,436 square feet ("sf") and Part B is 0.081 acres or 3,528 sf. According to the Easement Term Sheet, CFX has a perpetual easement on, over and through the property for the purposes of operation, improvement, maintenance, repair and replacement of the project, including a perpetual air-rights easement above the plane that is fourteen feet, six inches (14' 6") above the highest point of the property.

APPRAISED VALUE OF SOUTHFORK DRIVE

Parcel 800 (Parts A and B) was appraised by Chris Starkey, MAI, who estimated full compensation at \$11,000 for Part A and \$2,200 for Part B, for a total of **\$13,200**. He valued the property at \$29,000 per acre utilizing an "Across the Fence" valuation technique with comparable sales ranging from \$24,000 to \$46,882.

ANALYSIS

At the time of the taking, a number of individuals held undivided fee interests in Southfork Drive as tenants in common, including the Central Florida Expressway Authority ("CFX"). Freddie Jones, the late Eula Jones, and their daughter, Sandra Jones ("the Jones") own a 1/8 undivided fee interest in Southfork Drive. Unlike most of the other undivided fee owners of Southfork Drive, the Jones' property is directly adjacent to the newly constructed S.R. 429. Their home is in close proximity to S.R. 429. As a result, the Jones believe that they have been impacted by the taking to a greater degree than the other tenants in common. Although CFX previously acquired property from the Jones as part of the Maitland Extension and an easement interest over their undivided fee interest in Southfork Drive, the easement interest had to be expanded to include the utility easement designated as Parcel 800, Part B and to address the height of the bridge.

PROPOSED SETTLEMENT

After lengthy discussions, the parties reached a proposed all-inclusive settlement for the sum of **Ten Thousand Dollars (\$10,000)**, 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, costs, apportionment claims, or other supplemental proceedings. In addition, the Jones agreed to assign to CFX any claim they may have to the previously deposited good faith estimate of value and agreed to waive any apportionment claim that they may have or will have. Last, the Jones agreed to release all claims against CFX arising from the taking of Parcel 800 (Parts A and B), the taking of Parcel 103, the construction of CFX Project Nos. 429-201 and 429-202, or any other claims related to or arising from the State Road 429 Project or the Wekiva Parkway Project.

REQUESTED ACTION

We respectfully request that the Right of Way Committee recommend that the CFX Board approve an all-inclusive settlement with Freddie Jones, the late Eula Jones, and their daughter, Sandra Jones, in the amount of **Ten Thousand Dollars (\$10,000)**, as more particularly described in the attached Settlement Agreement, in full settlement of all claims of compensation from CFX 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, costs, apportionment claims, other supplemental proceedings, or any other claim.

ATTACHMENT

1. Settlement Agreement

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,

CASE NO. 2014-CA-008617-O

v.

Division 39

ROBERT M. GROSSENBACHER; ;
EARL D. WILSON, JR. and ADELAIDA DIAZ
WILSON, husband and wife; ;
FREDDIE T. JONES and EULA B. JONES,
husband and wife; SANDRA L. JONES;
ITAY SHRAGA GUY; KEREN HALPERIN-GUY;
. . . . ; BANK OF AMERICA, N.A.; et al.;

Parcels: 800 (Parts A & B)

Respondents.

SETTLEMENT AGREEMENT WITH GENERAL RELEASE

As a result of ongoing settlement discussions, Respondents, FREDDIE T. JONES and EULA B. JONES, husband and wife, and SANDRA L. JONES, and a representative of the Central Florida Expressway Authority reached the following Settlement Agreement:

1. Petitioner will pay to Respondents, FREDDIE T. JONES and EULA B. JONES, husband and wife, and SANDRA L. JONES, , husband and wife, (referred to as "Respondents") the sum of **TEN THOUSAND DOLLARS (\$10,000.00)**, in full settlement of all claims for compensation from Petitioner whatsoever for the taking of Parcel 800 (Parts A and B), including statutory interest and all claims related to real estate and business damages, severance damages, tort damages, attorney's fees and litigation costs, expert witness fees, costs, apportionment claims, or other supplemental proceedings. Respondents shall make no claim against Petitioner for any attorneys' fees or costs in connection with any apportionment claim or supplemental proceeding.

2. The mortgage interests held by Wells Fargo and Cynthia Brasfield have been satisfied and, as a result, the parties believe in good faith that neither mortgagee or lender has a claim to the proceeds in this case.

3. Petitioner previously deposited in the Registry of the Court Petitioner's good faith estimate in the amount of Thirteen Thousand Two Hundred Dollars (\$13,200). Within twenty days (20) days from the date of receipt by Petitioner's counsel of a conformed copy of the Stipulated Final Judgment, Petitioner will pay to the trust account of counsel for Respondents the sum of Ten Thousand Dollars (\$10,000.00). Respondents hereby assign to Petitioner any claim Respondents may have to the previously deposited good faith estimate and Respondents hereby waive any apportionment claim that they may have or will have. Nothing herein precludes Petitioner from raising any argument as to apportionment, including arguments that may exist absent a waiver. Respondents agree that in the event that the Clerk distributes funds from the court registry to Respondents, Respondents will promptly transmit such payment to Petitioner.

4. Respondents do hereby forever unconditionally and irrevocably release, acquit and discharge Petitioner and its affiliates, assigns, attorneys, employees, officers, managers, directors, shareholders, agents, contractors, predecessors and successors (collectively, the "**Released Parties**") from any and all claims and causes of action, suits, covenants, contracts, judgments, obligations, promises, agreements, controversies, damages, debts and demands, liabilities and losses of every kind, character, and nature, whether in contract or in tort, at law or in equity, that Respondents have ever had or now have, now known or unknown, or that any affiliate, successors or assigns of Respondents may have or claim to have against the Released Parties, or any of them, by reason of acts, omissions or events that occurred prior to the date of this Settlement Agreement and which arose or may have arose in connection with the taking of Parcel 800 (Parts A and B), Parcel 103, the construction of CFX Project Nos. 429-201 and 429-202, or any other claims related to or arising from the State Road 429 Project or the Wekiva Parkway Project. By signing below, each Respondent confirms that he/she has executed this Release of his/her own volition, with full knowledge of the extent and effect of the various releases granted by this Release and of the importance to the Released Parties of these releases and after having had the opportunity to discuss this matter with counsel of their own choice. This Release shall be governed by and construed and enforced in accordance with the laws of the State of Florida.

5. 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.

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. 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.

8. This Agreement resolves all claims whatsoever, including claims of compensation arising from the taking of Parcel 800 (Parts A and B), including statutory interest, severance damages, business damages, tort damages, interest, attorney's fees, attorney's costs,

expert fees, expert costs, and any other claim. Respondents represent that there are no apportionment claims.

9. Respondents shall execute and deliver to the undersigned counsel for the Central Florida Expressway Authority the Public Disclosure Affidavit of Interests in Real Property as required by Section 286.23, *Florida Statutes*.

10. Respondents shall be responsible for the preparation and transmittal of any I.R.S. 1099 forms as necessary and shall provide CFX with a disclosure form, if appropriate, pursuant to Section 286.23, *Florida Statutes*.

This Settlement Agreement, executed by the parties and their counsel on this _____ day of _____, contains all the agreements of the parties.

Print Name: _____
Central Florida Expressway Authority

Print Name: _____
Owner

Print Name: _____
Owner

Print Name: _____
Owner

Print Name: _____
Attorney for Owner

Fred + Sandy Jones

apportionment claims.

9. Respondents shall execute and deliver to the undersigned counsel for the Central Florida Expressway Authority the Public Disclosure Affidavit of Interests in Real Property as required by Section 286.23, *Florida Statutes*.

10. Respondents shall be responsible for the preparation and transmittal of any I.R.S. 1099 forms as necessary and shall provide CFX with a disclosure form, if appropriate, pursuant to Section 286.23, *Florida Statutes*.

This Settlement Agreement, executed by the parties and their counsel on this _____ day of _____, contains all the agreements of the parties.

Print Name: _____
Central Florida Expressway Authority

Print Name: _____
Owner

Print Name: _____
Owner

Print Name: _____
Owner





Print Name: Kurt Bauer
Attorney for Owner

CENTRAL FLORIDA EXPRESSWAY AUTHORITY

MEMORANDUM

TO: CFX Right of Way Committee Members

FROM:  Joseph L. Passiatore, General Counsel

DATE:  January 16, 2018

RE: Women's Care of Florida, LLC., Lease Amendment Agreement
Property Address: 525 South Magnolia Avenue, Orlando, Florida 32801
Property Owner: Central Florida Expressway Authority

DESCRIPTION

On November 18, 2010 Central Florida Expressway Authority's ("CFX") predecessor agency entered into a lease with Women's Care Florida, LLC., d/b/a Delaney OB/GYN for the property located at 525 South Magnolia Avenue, Orlando, Florida. This property previously served as the agency's administration headquarters.

The term of the lease was for ten (10) years and was scheduled to terminate on June 15, 2021.

The leased site has been burdened by construction activities from the I-4/S.R. 408 interchange and overpass. The doctors are in the process of relocating and have requested a change to a month to month tenancy with a deadline no later than August 15, 2019 for termination of occupancy.

CFX management and Legal are supportive of this change. The amendment allows the tenant's early departure and a chance for CFX to remarket the property once construction is closer to completion.

REQUESTED ACTION

We respectfully request that the Right of Way Committee recommend that the CFX Board approve the proposed Lease Amendment.

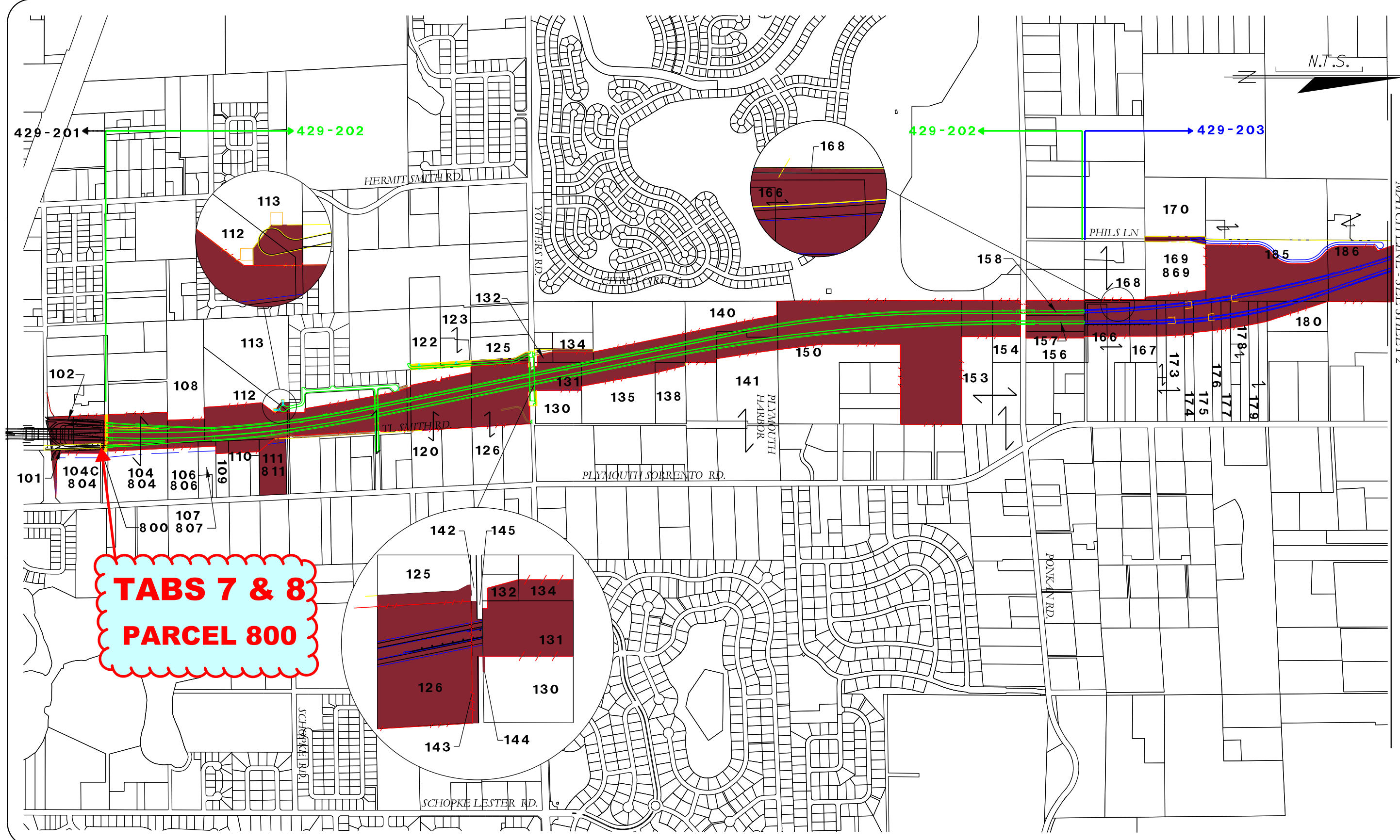
ATTACHMENTS

- A. Lease Agreement Amendment
- B. Exhibit A
- C. Original Lease Agreement

dfalk
8:33:44 AM
1/10/2019
W:\50088189\Right-of-way\Wekiva Parkway\RW Exhibits\Wekiva\exhibit01-b.dgn

N.T.S.

MATCHLINE - SEE SHEET 2



TABS 7 & 8
PARCEL 800


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

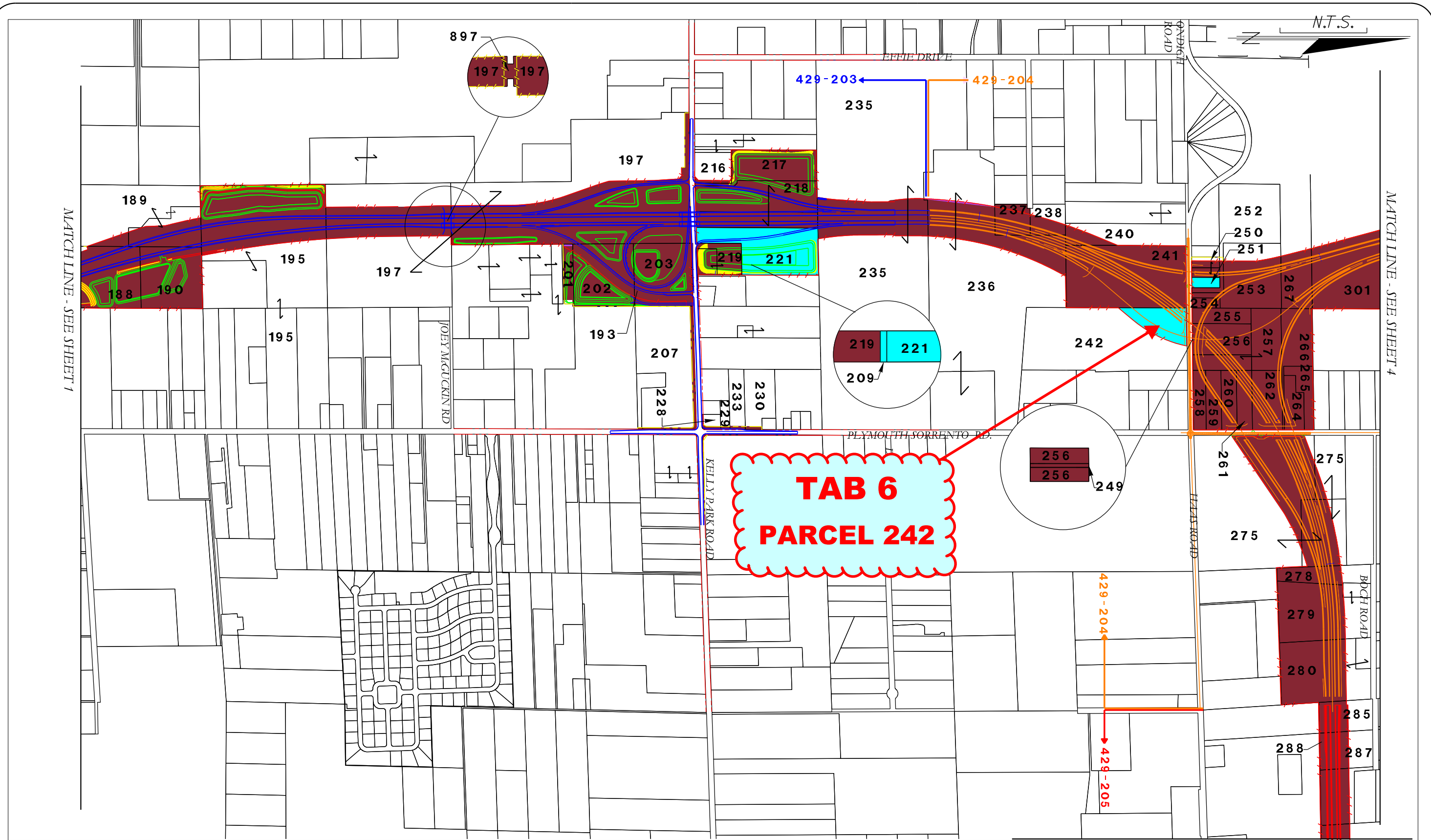
RIGHT-OF-WAY EXHIBIT
January 23, 2019
SUBJECT TO CHANGE

CENTRAL
FLORIDA
EXPRESSWAY
AUTHORITY

WEKIVA PARKWAY

Legend

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



FOR CONTINUATION - SEE SHEET 3



LAKE COUNTY
ORANGE COUNTY

**TAB 4
PARCEL 289**

429-204

429-205

429-205

291

291

287

890

292

285 287

289

291

279 280

288

FOR CONTINUATION
SEE SHEET 2

BOCH ROAD

MOUNT PLYMOUTH RD

CR 435

MT PLYMOUTH PI

CENTRAL
FLORIDA
EXPRESSWAY
AUTHORITY

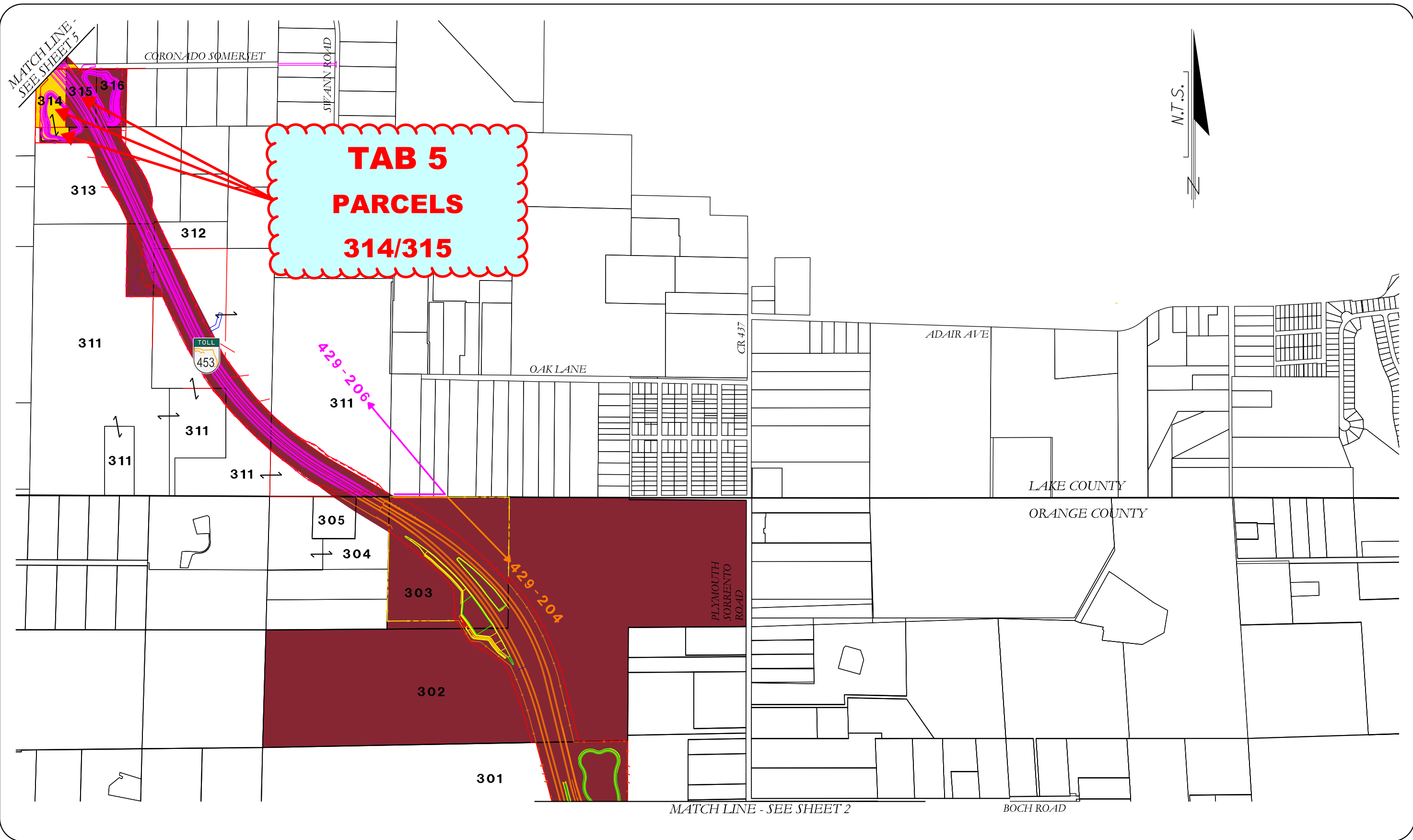
WEKIVA PARKWAY

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

RIGHT-OF-WAY EXHIBIT

January 23, 2019

SUBJECT TO CHANGE



**TAB 5
PARCELS
314/315**



dfalk 8:34:08 AM 1/10/2019 W:\50088189\Right-of-way\Wekiva Parkway\RW Exhibits\Wekiva Parkway\exhibit04-b.dgn

CENTRAL
FLORIDA
EXPRESSWAY
AUTHORITY

WEKIVA PARKWAY

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

RIGHT-OF-WAY EXHIBIT

January 23, 2019

SUBJECT TO CHANGE

4
OF
5

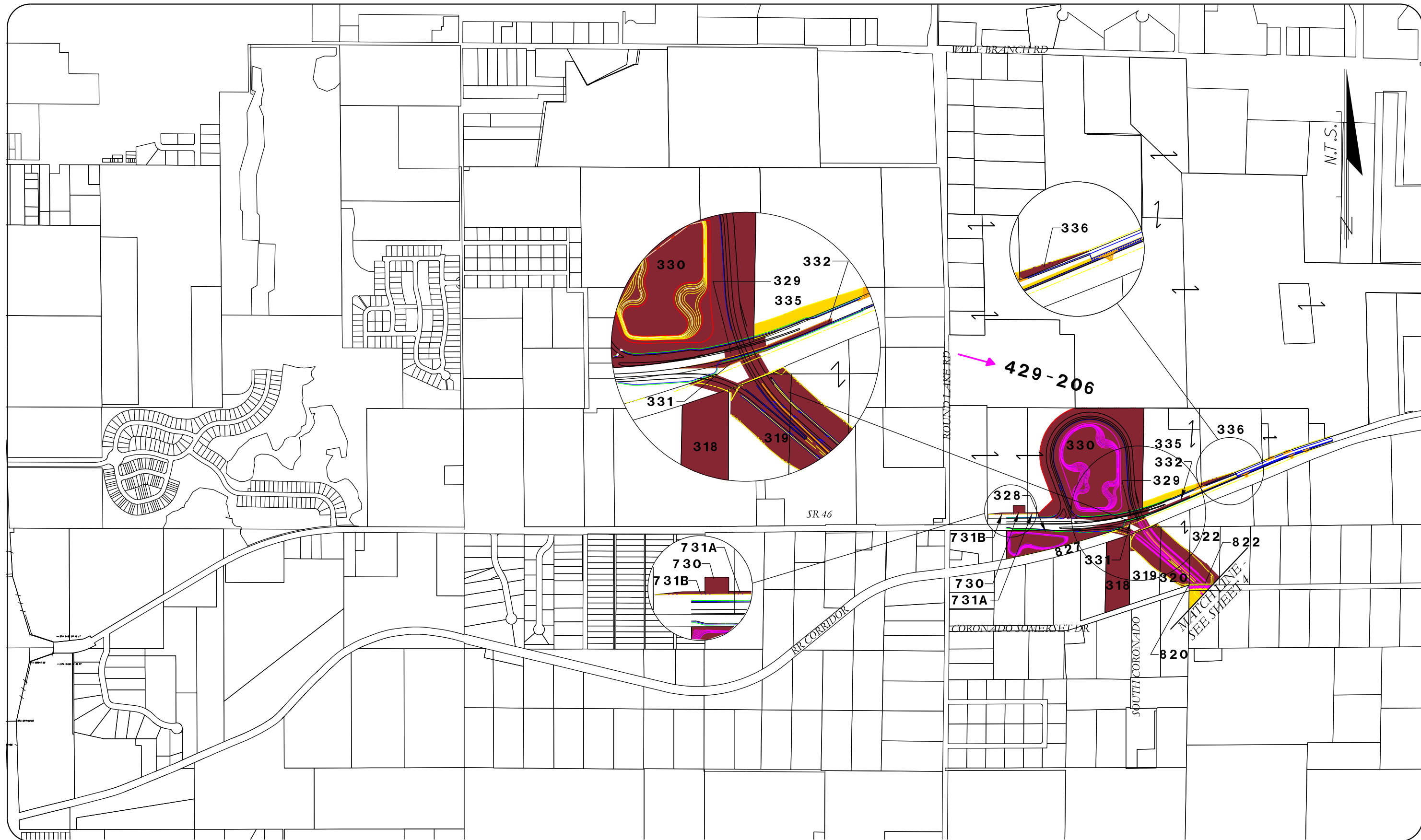
WEKIVA PARKWAY

Legend

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

RIGHT-OF-WAY EXHIBIT

January 23, 2019
SUBJECT TO CHANGE



CFX Project Section Map

