



COUNTY ATTORNEY'S OFFICE  
JEFFREY J. NEWTON, *County Attorney*

APPROVED BY ORANGE  
COUNTY BOARD OF COUNTY  
COMMISSIONERS

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Orlando, FL 32802-1393  
407-836-7320 ■ Fax 407-836-5888  
<http://www.ocfl.net>

BCC Mtg. Date: Jun. 28, 2016

**MEMORANDUM**

TO: Mayor Teresa Jacobs  
and  
County Commissioners

FROM: Jeffrey J. Newton, County Attorney *JJN*  
Andrea Adibe, Assistant County Attorney *AA*  
Contact: (407) 836-7320

DATE: June 16, 2016

SUBJECT: Consent Agenda Item for June 28, 2016  
*Central Florida Expressway Authority v. Orange County*  
Case No. 2014-CA-6798-O  
Parcel 150, S.R. 429 Wekiva Parkway

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This item requests settlement authorization by the Board of County Commissioners (BCC) for the *Central Florida Expressway Authority v. Orange County* eminent domain case brought on behalf of Central Florida Expressway Authority for S.R. 429 Wekiva Parkway, and authority for the County Attorney's Office to execute the Stipulated Final Judgment on behalf of Orange County.

Under separate cover the Board has been provided a Confidential Memorandum dated June 16, 2016, from Jeffrey J. Newton, County Attorney, and Andrea Adibe, Assistant County Attorney, a Settlement Analysis, and a proposed Stipulated Final Judgment. These documents will become public records at the conclusion of the litigation pursuant to Section 119.071(1)(d), Florida Statutes.

**ACTION REQUESTED: Approval of the proposed settlement in the case *Central Florida Expressway Authority v. Orange County*, Case No. 2014-CA-6798-O, Parcel 150; Project: S.R. 429 Wekiva Parkway, and authorization for the County Attorney's Office to execute the proposed Stipulated Final Judgment as to Parcel 150 on behalf of Orange County.**

AAA/gs

Copy: Ajit Lalchandani, County Administrator  
Anne Caswell, Manager, Real Estate Management Division  
Raymond L. A. Williams, P.E., Chief Engineer, Public Works Engineering  
Anne Kulikowski, Director, Administrative Services Department

*Deputy County Attorney*  
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*Senior Assistant County Attorneys*

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*Legal Administrative Supervisor*

Anna M. Caban

*Senior Paralegal*  
Kimberly Cundiff

*Paralegals*  
Melessia Lofgren  
Maria Vargas, ACP

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

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

Petitioner,

v.

CASE NO. 2014-CA-006798-O

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

Parcel 150

Division 39

FILED IN OPEN COURT 7-19-16  
Clerk, Cir. Ct., Orange Co. . . .

Respondents.

By  D.C.

**STIPULATED FINAL JUDGMENT AS TO PARCEL 150**

THIS CAUSE having come on for consideration upon the Joint Motion for entry of a Stipulated Final Judgment by the Petitioner, **CENTRAL FLORIDA EXPRESSWAY AUTHORITY** ("Petitioner"), and Respondent, **ORANGE COUNTY, FLORIDA**, ("Respondent") as the fee owner of Parcel 150, as confirmed in the Joint Motion attached hereto, 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, finds:

- A. The taking is necessary for a public purpose.
- B. This Court found that the good faith estimate of value was FIVE HUNDRED SIXTY THOUSAND NINE HUNDRED DOLLARS EXACTLY (\$560,900) for Parcel 150.

- C. Petitioner previously deposited the sum of FIVE HUNDRED SIXTY THOUSAND NINE HUNDRED DOLLARS EXACTLY (\$560,900) in the Registry of the Court, which has been disbursed and Petitioner shall receive a credit in that amount regarding the sum due.
- D. Respondent agrees to resolve full compensation for the taking of Parcel 150.
- E. The compensation to be paid by Petitioner is full, just and reasonable for all parties concerned.
- F. The parties have waived the right to trial by jury and consent to the immediate entry of this Stipulated Final Judgment.
- G. On or about August 14, 2014, the Orange County Tax Collector filed a Disclaimer of Interest. Accordingly, it is

**ORDERED AND ADJUDGED** as follows:

1. Full and complete compensation for the taking of Parcel 150, including damages resulting to the remainder and for any other damages of any kind and nature, including severance damages, business damages, tort damages (if any), interest, attorneys' fees, experts' fees, and costs is the sum of SEVEN HUNDRED THIRTY-NINE THOUSAND EIGHT HUNDRED DOLLARS (\$739,800).
2. Title to the property designated as Parcel 150, and more particularly described **Exhibit A** attached hereto, vested in the Petitioner, Central Florida Expressway Authority, pursuant to the Order of Taking and deposit of money made on or about August 5, 2014, and August 18, 2014, respectively. The vesting of title is hereby approved, confirmed and ratified.
3. There shall be no further claim by the Respondent, **ORANGE COUNTY, FLORIDA**, and all parties claiming by, through, under or against said Respondent, in this action

for any further monies from the Petitioner.

4. Within ten (10) days after receipt by the Petitioner of this Stipulated Final Judgment, Petitioner shall pay to Orange County, Florida the total amount of **ONE HUNDRED SEVENTY-EIGHT THOUSAND NINE HUNDRED DOLLARS EXACTLY (\$178,900)** with the check made payable to Orange County Board of County Commissioners, c/o Andrea A. Adibe, Esq., County Attorney's Office, 201 S. Rosalind Avenue, P.O. Box 1393, Orlando, FL 32802-1393, which sum represents the difference between full compensation (\$739,800) and the amount previously deposited (\$560,900).

**DONE AND ORDERED** in Chambers at Orlando, Orange County, Florida, this 19 day of July, 2016.

  
**JOHN MARSHALL KEST**  
Circuit Judge

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that the foregoing Stipulated Final Judgement was filed with the Clerk of the Court this 19 day of July 2016, by using the Florida Courts E-Filing Portal System. Accordingly, a copy of the foregoing is being served on this day to all attorneys and interested parties identified on the e-Portal Electronic Service List, via transmission of Notices of Electronic Filing generated by the e-Portal System.

/s/ Linda S. Brehmer Lanosa  
Judicial Assistant / Attorney

**EXHIBIT A**

**LEGAL DESCRIPTION OF PARCEL 150**

ORLANDO ORANGE COUNTY  
EXPRESSWAY AUTHORITY  
STATE ROAD 429  
PROJECT NO. 429-202

PARCEL NO. 150  
PURPOSE: LIMITED ACCESS RIGHT OF WAY  
ESTATE: FEE SIMPLE

**LEGAL DESCRIPTION**

ALL THAT TRACT OR PARCEL OF LAND LYING IN SECTION 25, TOWNSHIP 20 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA; BEING A PORTION OF THE EAST 1/2 OF THE NORTHEAST 1/4 OF SAID SECTION 25 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE SOUTHEAST 1/4 OF SECTION 25, TOWNSHIP 20 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA, BEING A FOUND 4"X4" CONCRETE MONUMENT "PRM LB 4475"; THENCE SOUTH 89°32'11" WEST ALONG THE SOUTH LINE OF THE NORTHEAST 1/4 OF SAID SECTION 25, A DISTANCE OF 807.31 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 89°32'11" WEST ALONG SAID SOUTH LINE, A DISTANCE OF 528.35 FEET TO A POINT ON THE WEST LINE OF THE EAST 1/2 OF THE NORTHEAST 1/4 OF SAID SECTION 25; THENCE DEPARTING SAID SOUTH LINE, RUN NORTH 00°11'22" WEST ALONG SAID WEST LINE, A DISTANCE OF 2009.82 FEET TO A POINT ON THE NORTH LINE OF THE SOUTH 1/2 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 25; THENCE DEPARTING SAID WEST LINE, RUN NORTH 89°59'56" EAST ALONG SAID NORTH LINE, A DISTANCE OF 1345.99 FEET TO A POINT ON THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 25; THENCE DEPARTING SAID NORTH LINE, RUN SOUTH 00°06'25" WEST ALONG SAID EAST LINE, A DISTANCE OF 663.80 FEET TO A POINT ON THE NORTH LINE OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 25; THENCE DEPARTING SAID EAST LINE, RUN SOUTH 89°48'54" WEST ALONG SAID NORTH LINE, A DISTANCE OF 869.59 FEET TO A POINT; THENCE DEPARTING SAID NORTH LINE, RUN SOUTH 00°02'39" EAST, A DISTANCE OF 839.69 FEET TO THE BEGINNING OF A NON-TANGENT CURVE; THENCE FROM A TANGENT BEARING OF SOUTH 06°01'58" EAST, RUN 502.76 FEET ALONG THE ARC OF SAID CURVE, CONCAVE TO THE EAST, HAVING A DELTA ANGLE OF 01°27'01", A RADIUS LENGTH OF 19,862.00 FEET, A CHORD BEARING OF SOUTH 06°45'28" EAST AND A CHORD LENGTH OF 502.75 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 35.380 ACRES, MORE OR LESS.

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

SHEET 1 OF 3

FOR: ORLANDO-ORANGE COUNTY  
EXPRESSWAY AUTHORITY

DATE: MARCH 14, 2013

PROJECT NO.: H20-01

DRAWN: PMM CHECKED: JMS

STATE ROAD 429  
OOCEA PROJECT NO. 429-202  
PARCEL NO. 150



GEODATA CONSULTANTS, INC.

SURVEYING & MAPPING

2700 WESTHALL LANE

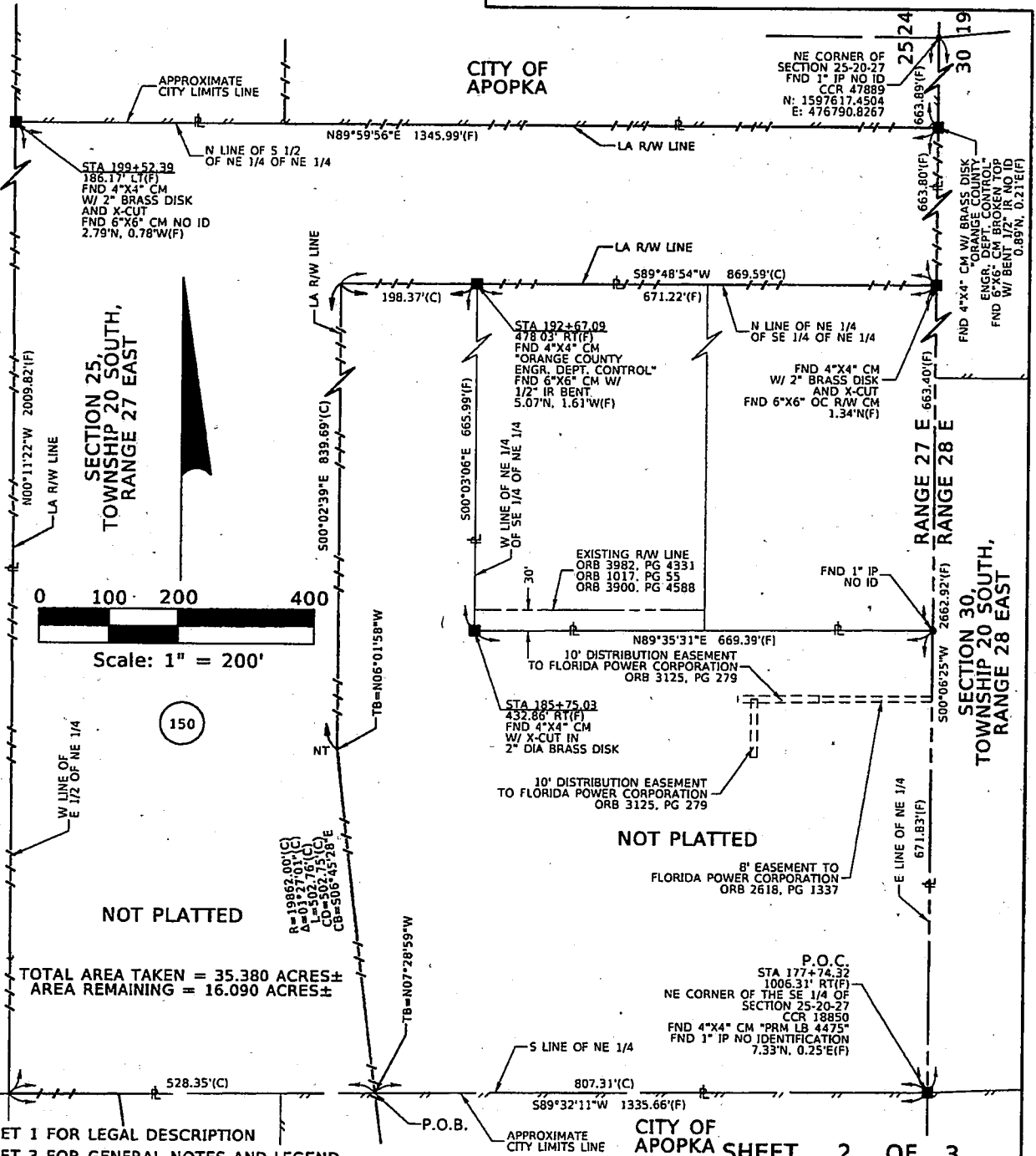
SUITE 137

MAITLAND, FLORIDA 32751

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

LAND SURVEYOR BUSINESS LICENSE NO. 6556

**SKETCH OF DESCRIPTION**



TOTAL AREA TAKEN = 35.380 ACRES±  
 AREA REMAINING = 16.090 ACRES±

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

FOR: ORLANDO-ORANGE COUNTY  
 EXPRESSWAY AUTHORITY

DATE: MARCH 14, 2013

PROJECT NO.: H20-01

DRAWN: PMM CHECKED: JMS

**STATE ROAD 429**  
**OOCEA PROJECT NO. 429-202**  
**PARCEL NO. 150**

**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
(F)	= FIELD	NO.	= NUMBER
CB	= CHORD BEARING	NT	= NON-TANGENT
CCR	= CERTIFIED CORNER RECORD	ORB	= OFFICIAL RECORDS BOOK
CD	= CHORD DISTANCE	PL	= PROPERTY LINE
CM	= CONCRETE MONUMENT	PG	= PAGE
Δ	= DELTA (CENTRAL ANGLE)	P.O.B.	= POINT OF BEGINNING
FND	= FOUND	P.O.C.	= POINT OF COMMENCEMENT
ID	= IDENTIFICATION	R	= RADIUS
IP	= IRON PIPE	RT	= RIGHT
IR	= IRON ROD	R/W	= RIGHT OF WAY
L	= LENGTH	STA	= STATION
LA	= LIMITED ACCESS	TB	= TANGENT BEARING

**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 SECTION 25, TOWNSHIP 20 SOUTH, RANGE 27 EAST, HAVING A BEARING OF SOUTH 00°06'25" WEST.
3. UNLESS IT BEARS THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER, THIS SKETCH IS FOR INFORMATIONAL PURPOSES ONLY.
4. THIS SKETCH MAY HAVE BEEN REDUCED IN SIZE BY REPRODUCTION. THIS MUST BE CONSIDERED WHEN OBTAINING SCALED DATA.
5. A CERTIFICATE OF TITLE INFORMATION PREPARED BY FIRST AMERICAN TITLE INSURANCE COMPANY DATED JULY 19, 2012, FILE NO. 2037-2774565, WAS REVIEWED BY THE SURVEYOR. EXCEPTIONS LISTED THEREIN (IF ANY) WHICH AFFECT THE PARCEL DESCRIBED HEREON, WHICH CAN BE DELINEATED OR NOTED, ARE SHOWN HEREON.
6. CITY LIMITS SHOWN HEREON ARE TAKEN FROM THE ORANGE COUNTY GEOGRAPHIC INFORMATION SYSTEM SITE AND ARE APPROXIMATE.
7. ALL RECORDING REFERENCES SHOWN ON THIS SKETCH REFER TO THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, UNLESS OTHERWISE NOTED.
8. THIS SKETCH IS NOT A SURVEY.

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

**SHEET 3 OF 3**


REVISED PER COMMENTS	PMM	04/18/2013
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 11-27, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO CHAPTER 472 OF THE FLORIDA STATUTES, SUBJECT TO NOTES AND NOTATIONS SHOWN HEREON.

*[Signature]* 8-12-13  
H. Paul DeVivero, Professional Land Surveyor No. 4990. DATE

FOR: ORLANDO-ORANGE COUNTY  
EXPRESSWAY AUTHORITY  
DATE: MARCH 14, 2013  
PROJECT NO.: H20-01  
DRAWN: PMM CHECKED: JMS

**STATE ROAD 429**  
**OOCEA PROJECT NO. 429-202**  
**PARCEL NO. 150**

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