




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

201 South Rosalind Avenue 3rd Floor
Reply To: Post Office Box 1393
Orlando, FL 32802-1393
407-836-7320 Fax 407-836-5888

AGENDA ITEM

MEMORANDUM

TO: Mayor Jerry L. Demings
and
County Commissioners

FROM: Jeffrey J. Newton, County Attorney 
Lee Bernbaum, Assistant County Attorney
Contact: 407-836-7320

DATE: March 11, 2024

SUBJECT: Consent Agenda Item for March 26, 2024
Eminent Domain Settlement Authorization
Orange County v. Personal Mini Storage Forest City Rd., Inc., et al.
Case No. 2019-CA-000649-O
Parcel 1001 (Kennedy Blvd. Project)

This Consent Agenda item requests settlement authorization by the Board of County Commissioners for the *Orange County v. Personal Mini Storage Forest City Rd., Inc. et al.*, eminent domain case brought by Orange County on behalf of Public Works for the improvement of Kennedy Blvd.

A confidential memorandum, Mediated Settlement Agreement, Settlement Analysis, and proposed Stipulated Final Judgment have been provided to the Board under a separate cover memorandum. 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 Mediated Settlement Agreement in the case of *Orange County v. Personal Mini Storage Forest City Rd., Inc., et al.*, Case No. 2019-CA-000649-O, Parcel 1001, Kennedy Boulevard Project, and authorization for the County Attorney's Office to execute the Joint Motion for Entry of Stipulated Final Judgment agreeing to the entry of the proposed Stipulated Final Judgment on behalf of Orange County.

LNB/gs

Copy: Byron W. Brooks, AICP, County Administrator
Mindy T. Cummings, Manager, Real Estate Management Division
Damian E. Czapka, P.E., Chief Engineer, Public Works Engineering Division
Anne Kulikowski, Director of Administrative Services

Deputy County Attorney
Georgiana Holmes

Senior Assistant County Attorneys

Elaine M. Asad
Whitney E. Evers

Assistant County Attorneys

Roberta Alfonso
Lee Bernbaum
Joy Carmichael
James Hetz
Andrew W. Mai
Sawsan Mohiuddin
Desmond Morrell
Matthew Pritchett
Dylan Schott
Scott Shevenell
Heather Wallace
Shonda White

Legal Administrative Supervisor

Dan Randolph

Senior Paralegal

Melessia Lofgren

Paralegals

Lamar Sharpe
Gall Stanford
Maria Vargas




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

201 South Rosalind Avenue 3rd Floor
Reply To: Post Office Box 1393
Orlando, FL 32802-1393
407-836-7320 Fax 407-836-5888

MEMORANDUM

TO: David Rooney, Deputy Clerk
Comptroller Clerk of BCC

FROM: Lee Bernbaum, Assistant County Attorney 
Contact: 407-836-7320

DATE: April 18, 2024

SUBJECT: March 26, 2024, County Attorney Consent Agenda Item 2
Eminent Domain Settlement Authorization
Orange County v. Personal Mini Storage Forest City Rd., Inc.
Case No. 2019-CA-000649-O
Parcel 1001 (Kennedy Blvd.)
Document: Stipulated Final Judgment
Date of BCC Approval: March 26, 2024

Enclosed is a fully executed copy of the Stipulated Final Judgment entered by Judge Heather Pinder Rodriguez on April 15, 2024. The Clerk of Court will have the final judgment recorded.

Also enclosed is a copy of the Confidential Memorandum with attachments to Mayor Jerry Demings and County Commissioners, dated March 11, 2024, for the consent agenda item that was approved by the Board on March 26, 2024.

Please be advised that litigation in this case is concluded and the attached documents may be made part of the public record, notwithstanding the notation on the document stating that it was exempt under Section 119.07, Florida Statutes.

Should you need additional information, please do not hesitate to contact my office.

LBN/gS
Enclosures

Deputy County Attorney
Georgiana Holmes

Senior Assistant County Attorney
Whitney E. Evers

Assistant County Attorneys
Roberta Alfonso
Lee Bernbaum
Joy Carmichael
James Hetz
Andrew W. Mal
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**This document is exempt
under Florida Statutes
Section 119.07, and is not
for copying or distribution.**

MEMORANDUM

Deputy County Attorney
Georgiana Holmes

*Senior Assistant County
Attorneys*

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Whitney E. Evers

*Assistant County
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Roberta Alfonso
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TO: Mayor Jerry L. Demings
and
County Commissioners

FROM: Jeffrey J. Newton, County Attorney 
Lee Bernbaum, Assistant County Attorney 
Contact: 407-836-7320

DATE: March 11, 2024

SUBJECT: Consent Agenda Item for March 26, 2024
Eminent Domain Settlement Authorization
Orange County v. Personal Mini Storage Forest City Rd., Inc., et al.
Case No. 2019-CA-000649-O
Parcel 1001 (Kennedy Blvd. Project)

This agenda item requests settlement authorization by the Board of County Commissioners ("BCC") for the eminent domain case of *Orange County v. Personal Mini Storage Forest City Rd., Inc., et al.* brought by Orange County on behalf of Public Works for the Kennedy Blvd. Project. The County staff recommends settlement of the case in the amount of \$760,000, plus statutory attorneys' fees in the amount of \$146,100 and expert fees and costs in the amount of \$40,000 for a total settlement of \$946,100.

I. The Project

Kennedy Blvd. is a two-lane urban collector with open swale drainage. Kennedy Blvd. is currently operating at a level of service D or F. The Kennedy Blvd. Project will widen Kennedy Blvd. to a four-lane urban roadway with raised center median, pedestrian sidewalks, dedicated bicycle lanes and closed drainage system from Forest City Road (SR 434) to Wymore Road.

II. The Lawsuit

Orange County initially attempted, albeit unsuccessfully, to negotiate a voluntary acquisition of Parcel 1001 prior to filing the eminent domain action. Orange County filed its Petition in Eminent Domain on January 16, 2019. The Respondent, Personal Mini Storage Forest City Rd., Inc. ("PMS"), retained Mark

Mayor Jerry L. Demings
and County Commissioners
March 11, 2024
Page 2 of 3

Leavitt, Esq. of Dean Mead, to represent its interests. PMS retained Richard C. Dreggors with Calhoun, Dreggors & Associates, Inc. as its appraiser. The County's appraiser was Robert W. Simmons, Jr. of The Spivey Group. The amount of severance damages was the primary issue in the case. Mr. Dreggors concluded that PMS was entitled to total compensation of \$1,142,300, including \$590,700 in severance damages based upon an adjusted capitalization rate to account for additional risk related to the non-conformities and loss of outdoor advertising billboard ("ODA") ground lease. Mr. Simmons concluded that the total compensation due was \$524,400 and determined that there were no severance damages.

III. The Settlement

The parties attended mediation on February 8, 2024. The parties ultimately agreed to the amount of \$760,000 as full compensation consisting of the following: (a) \$186,050 for the land acquired; (b) \$51,950 for the improvements acquired; (c) \$300,000 for the net cost to cure; and (d) severance damages (including loss of ODA lease) of \$222,000. The parties also agreed that PMS shall retain a Right of Entry to enter Parcel 1001 to maintain and repair its adjacent improvements. The parties entered into the Mediated Settlement Agreement attached hereto as **Exhibit "A."** As stated in the Agreement, the Agreement is subject to BCC approval.

IV. Staff Recommendation

The County's staff included Lee Bernbaum, Assistant County Attorney, Damian Czapka, Chief Engineer, Public Works Right of Way Section, and Mindy T. Cummings, Manager, Real Estate Management Division. County staff recommends that the BCC approve the settlement.

Attached as **Exhibit "B,"** is a copy of the Settlement Analysis. The proposed Stipulated Final Judgment is attached as **Exhibit "C."**

ACTION REQUESTED: Approval of the Mediated Settlement Agreement in the case of *Orange County v. Personal Mini Storage Forest City Rd., Inc., et al.*, Case No. 2019-CA-000649-O, Parcel 1001, Kennedy Boulevard Project, and authorization for the County Attorney's Office to execute the Joint Motion for Entry of Stipulated Final Judgment agreeing to the entry of the proposed Stipulated Final Judgment on behalf of Orange County.

LNB/gs
Attachments

**Mayor Jerry L. Demings
and County Commissioners
March 11, 2024
Page 3 of 3**

**Copy: Byron W. Brooks, AICP, County Administrator
Mindy T. Cummings, Manager, Real Estate Management Division
Damian Czapka, P.E., Chief Engineer, Public Works Engineering Division
Anne Kulikowski, Director of Administrative Services**

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

CASE NO. 2019-CA-000649-O
DIVISION 34

ORANGE COUNTY, FLORIDA
a political subdivision of the
State of Florida,

Petitioner,

v.

Parcels: 1001, 7001

PERSONAL MINI STORAGE FOREST
CITY RD., INC., a Florida corporation;
7-ELEVEN, INC., a Texas corporation;
CLEAR CHANNEL OUTDOOR, INC., a
Delaware corporation; UNKNOWN TENANTS
AND OTHER PARTIES IN POSSESSION;
UNKNOWN PARTIES WITH INTEREST IN
THE PROPERTY; and SCOTT RANDOLPH,
Orange County Tax Collector,

Respondents.

MEDIATED SETTLEMENT AGREEMENT

As a result of a Mediation Conference held on February 8, 2024, at the Orange County Attorney's Office, 201 S. Rosalind Avenue, Third Floor, Orlando, 32802, the parties reached the following Settlement Agreement:

1. Petitioner will pay to Defendant, PERSONAL MINI STORAGE FOREST CITY RD, INC. a Florida corporation, the sum of \$ 760,000.00, in full settlement of all claims for compensation from Petitioner whatsoever, including real estate taken, severance damages, business damages, if any, and statutory interest, but excluding attorney's fees, experts' fees, and costs. Said sum will be subject to any claims for apportionment, if any.

2. Petitioner is entitled to a credit in the amount of \$ 408,500.00, which was previously deposited in the Registry of the Court by Petitioner.

4. Counsel for Petitioner and Defendant will jointly submit to the Court for signature a mutually approved Stipulated Final Judgment in this matter as soon as practical hereafter reflecting the terms of this Mediated Settlement Agreement.

5. Petitioner will pay Defendant the balance due of \$ 351,500.00, within 30 days of the actual date of receipt by the Petitioner's counsel of a conformed copy of the aforesaid Stipulated Final Judgment from the Court.

6. In addition to the settlement amount referenced in Paragraph 1 of this Settlement Agreement, Petitioner will pay Defendants' attorney the sum of \$ 146,100.00, in full settlement and satisfaction of any and all attorney's fees, including all fees related to monetary

EXHIBIT A

benefits, non-monetary benefits and supplemental proceedings, if any, and all attorney litigation costs in this case, and any fees that are or may be subject to any charging lien (s).

7. Petitioner will pay Defendant the sum of \$ 40,000.00, for all expert witness fees and other taxable costs incurred in this matter.

8. Attached hereto is an addendum to this Agreement.

✓ YES

____ NO.

THIS STIPULATION BECOMES BINDING UPON THE PARTIES BY THEIR EXECUTION AND THAT OF THEIR COUNSEL AND APPROVAL BY THE BOARD OF COUNTY COMMISSIONERS.



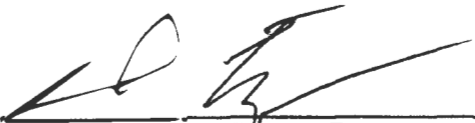
LEE N. BERNBAUM
Assistant County Attorney
Orange County Attorney's Office
Orange County Administration Center
201 S. Rosalind Avenue, Third Floor
P.O. Box 1393
Orlando, Florida 32802-1393
Phone: 407-836-7320
E-mail Lee.Bernbaum@ocfl.net

ORANGE COUNTY, FLORIDA

BY: Damian G. G...
Damian Czaplinski
PRINT NAME

BY: Wendy L. Cummings Manager
Real Estate Management
PRINT NAME

PERSONAL MINI STORAGE FOREST
CITY RD, INC.

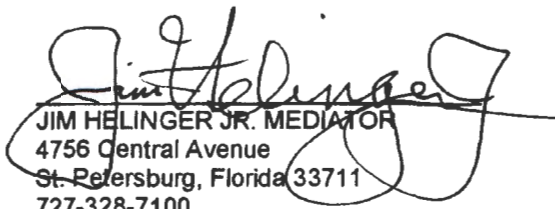


MARK R. LEAVITT, ESQUIRE
Dean Mead
420 S. Orange Avenue, Ste 700
Orlando, FL 32801-4911
Phone: (407) 841-1200
E-mail: mleavitt@deanmead.com

BY: Marc M. Smith
MARC M SMITH
PRINT NAME

BY: _____
PRINT NAME

BY: _____
PRINT NAME



JIM HELINGER JR. MEDIATOR
4756 Central Avenue
St. Petersburg, Florida 33711
727-328-7100
FBN: 0145200
CERTIFICATION NO. 12262 R
E-MAIL: jim@eminentdomainfla.com

9.

Defendant shall retain a right of entry to enter the property, Parcel 1001, further described in the attached Exhibit A, to maintain and repair its adjacent improvements on the remainder property further described in the attached Exhibit B. For the avoidance of doubt this right of entry does not include the right to enter the travel lane that may be developed within the bounds of Parcel 1001.

10. The County has issued the Eminent Domain Waiver, a copy of which is attached hereto as Exhibit C. Said waiver shall be attached to the Stipulated Final Judgment and incorporated therein by reference.

EXHIBIT A

SCHEDULE "A"KENNEDY BOULEVARD
PARCEL No.: 1001**LEGAL DESCRIPTION**

ALL THAT TRACT OR PARCEL OF LAND LYING IN THE SOUTHEAST 1/4 OF SECTION 33, TOWNSHIP 21 SOUTH, RANGE 29 EAST, ORANGE COUNTY, FLORIDA, BEING A PORTION OF LOT 1, FOREST CITY CORNERS, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 20, PAGE 4, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE SOUTHEAST 1/4 OF SECTION 33, TOWNSHIP 21 SOUTH, RANGE 29 EAST, ORANGE COUNTY, FLORIDA, BEING A FOUND RAILROAD SPIKE WITH NO IDENTIFICATION; THENCE NORTH 89°54'10" WEST ALONG THE NORTH LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 33, A DISTANCE OF 1601.17 FEET TO A POINT; THENCE SOUTH 00°26'58" EAST, A DISTANCE OF 36.47 FEET TO THE POINT OF INTERSECTION OF THE EXISTING SOUTHERLY RIGHT OF WAY LINE OF ALL AMERICAN BOULEVARD PER LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 4088, PAGES 4479 THROUGH 4483 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, AND THE EAST LINE OF LOT 1, FOREST CITY CORNERS, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 20, PAGE 4, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 00°26'58" EAST ALONG SAID EAST LINE, A DISTANCE OF 27.52 FEET TO A POINT ON THE PROPOSED SOUTHERLY RIGHT OF WAY LINE OF ALL AMERICAN BOULEVARD; THENCE NORTH 77°41'11" WEST ALONG SAID PROPOSED SOUTHERLY RIGHT OF WAY LINE, A DISTANCE OF 26.05 FEET TO A POINT; THENCE SOUTH 89°54'46" WEST ALONG SAID PROPOSED SOUTHERLY RIGHT OF WAY LINE, A DISTANCE OF 273.79 FEET TO A POINT; THENCE SOUTH 85°27'42" WEST ALONG SAID PROPOSED SOUTHERLY RIGHT OF WAY LINE, A DISTANCE OF 113.67 FEET TO A POINT ON THE WEST LINE OF SAID LOT 1; THENCE NORTH 00°22'51" WEST ALONG SAID WEST LINE, A DISTANCE OF 38.55 FEET TO A POINT ON SAID EXISTING SOUTHERLY RIGHT OF WAY LINE; THENCE SOUTH 89°54'10" EAST ALONG SAID EXISTING SOUTHERLY RIGHT OF WAY LINE, A DISTANCE OF 352.90 FEET TO A POINT; THENCE SOUTH 83°42'51" EAST ALONG SAID EXISTING SOUTHERLY RIGHT OF WAY LINE, A DISTANCE OF 60.05 FEET TO THE POINT OF BEGINNING.

CONTAINING 12,368 SQUARE FEET MORE OR LESS.

GENERAL NOTES:

1. THE PURPOSE OF THIS SKETCH IS TO DELINEATE THE DESCRIPTION ATTACHED HERETO. THIS DOES NOT REPRESENT A BOUNDARY SURVEY.
2. A CERTIFICATE OF TITLE INFORMATION PREPARED BY FIRST AMERICAN TITLE INSURANCE COMPANY, DATED DECEMBER 17, 2013, FILE NUMBER 2037-3086255/13.00143, 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.
3. THE BEARINGS SHOWN HEREON ARE BASED ON THE NORTH LINE OF THE SOUTHEAST 1/4 OF SECTION 33, TOWNSHIP 21 SOUTH, RANGE 29 EAST, HAVING A BEARING OF NORTH 89°54'10" WEST, AN ASSUMED DATUM.
4. UNLESS IT BEARS THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER, THIS SKETCH IS FOR INFORMATIONAL PURPOSES ONLY.
5. THIS SKETCH MAY HAVE BEEN REDUCED IN SIZE BY REPRODUCTION. THIS MUST BE CONSIDERED WHEN OBTAINING SCALED DATA.
6. ALL RECORDING REFERENCES SHOWN ON THIS SKETCH REFER TO THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, UNLESS OTHERWISE NOTED.
7. THIS SKETCH IS NOT A SURVEY.

REVISIONS

1. REVISED SKETCH AND LEGAL DESCRIPTION BASED ON NEW EXISTING RIGHT OF WAY LINE PROVIDED BY ORANGE COUNTY 7/9/2012.
2. UPDATED SKETCH 2/22/2014.

PAGE 1 OF 2

For: ORANGE COUNTY

Date: FEBRUARY 2012

Project No.: 004-01

Drawn: RJH Chkd.: HPV

LEGAL DESCRIPTION
KENNEDY BOULEVARD**GEODATA CONSULTANTS, INC.****SURVEYING & MAPPING**1349 SOUTH INTERNATIONAL PARKWAY
SUITE 2401

LAKE MARY, FLORIDA 32746

VOICE: (407) 732-6965 FAX: (407) 878-0841
Land Surveyor Business License No. 6558

SKETCH OF DESCRIPTION

NOT A BOUNDARY SURVEY

KENNEDY BOULEVARD

PARCEL No.: 1001



SCALE: 1" = 60'

SEE SHEET 3 OF R/W MAP

LEGEND

Chkd. = CHECKED
ID = IDENTIFICATION
NO. = NUMBER
R/W = RIGHT OF WAY
R = PROPERTY LINE

POINT OF COMMENCEMENT

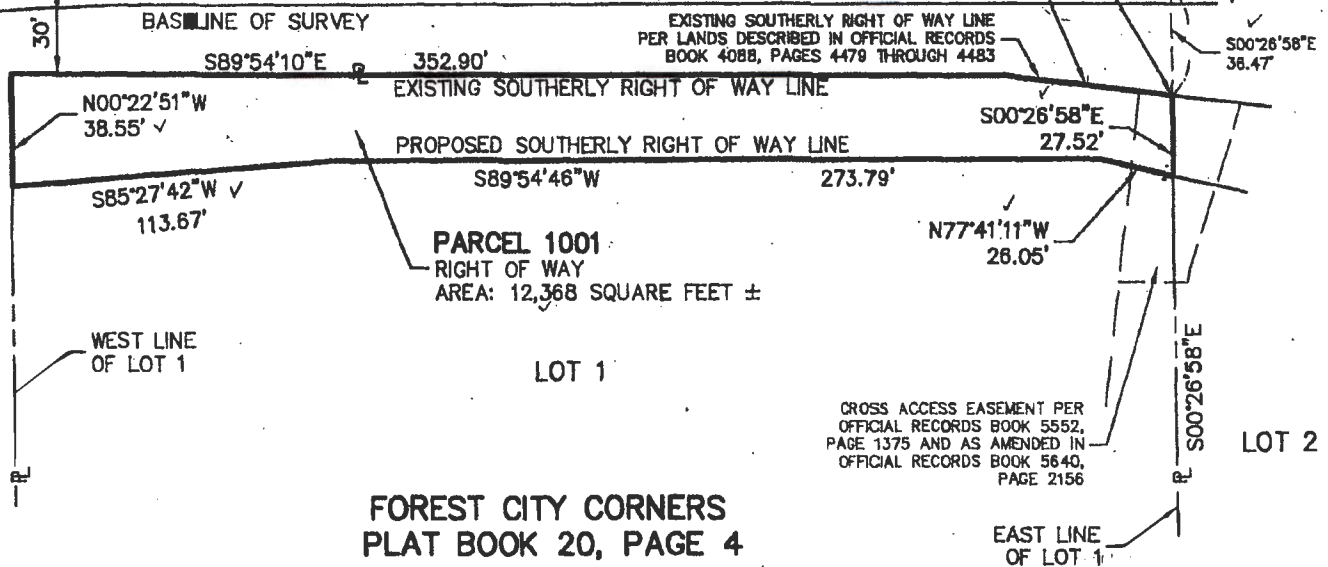
NE CORNER OF THE SE 1/4
OF SECTION 33-21-29
FOUND RAILROAD SPIKE NO ID

POINT OF BEGINNING

STATION 27+42.71,
31.32' RIGHT

ALL AMERICAN BOULEVARD

NORTH LINE OF THE SE 1/4 OF SECTION 33,
TOWNSHIP 21 SOUTH, RANGE 29 EAST (BASIS OF BEARINGS)



FOREST CITY CORNERS
PLAT BOOK 20, PAGE 4

SECTION 33, TOWNSHIP 21 SOUTH, RANGE 29 EAST

PAGE 2 OF 2

For: ORANGE COUNTY

Date: FEBRUARY 2012

Project No.: 004-01

Drawn: RJH Chkd.: HPV



GEODATA CONSULTANTS, INC.

SURVEYING & MAPPING

1349 SOUTH INTERNATIONAL PARKWAY

SUITE 2401

LAKE MARY, FLORIDA 32746

VOICE: (407) 732-6965 FAX: (407) 878-0841

Land Surveyor Business License No. 8558

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 STANDARDS OF PRACTICE AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 54-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO CHAPTER 472 OF THE FLORIDA STATUTES, SUBJECT TO NOTES AND NOTATIONS SHOWN HEREON.

M. Paul deViverra, Professional Land Surveyor No. 4880

5-16-2016

DATE

EXHIBIT B

EXHIBIT B

Legal Description of Remainder

FOREST CITY CORNERS 20/4 LOT 1 (LESS BEGINNING AT THE SOUTHEAST CORNER OF LOT 2 THENCE S00-36-45E 30 FT THENCE S89-55-46W 198.50 FT THENCE N00-36-45W 30 FT THENCE N89-55-46E 198.50 FT TO THE POINT OF BEGINNING) & (LESS PART TAKEN FOR RIGHT OF WAY DESCRIBED AS COMMENCING AT NORTHEAST CORNER OF SOUTHEAST 1/4 OF SEC 33-21-29 THENCE N89-54-10W 1601.17 FT THENCE S0-26-58E 36.47 FT TO THE POINT OF BEGINNING THENCE S0-26-58E 27.52 FT THENCE N77-41-11W 26.05 FT THENCE S89-54-46W 273.79 FT THENCE S85-27-42W 113.67 FT THENCE N0-22-51W 38.55 FT THENCE S89-54-10E 352.9 FT THENCE S83-42-51E 60.05 FT TO THE POINT OF BEGINNING PER DOC 20210737414)

EXHIBIT C



Orlando Office
618 East South Street
Suite 700
Orlando, Florida 32801

T 407.423.8398
F 407.843.1070

October 10, 2017

GAI Project No.: A140221.05

Ms. Carol Knox
Zoning Manager
Orange County Zoning Division
201 So. Rosalind Avenue, First Floor
Orlando, FL 32801

**Parcel 1001/7001 (Self-Storage Warehouse with ODA)
Kennedy Boulevard (CIP No. 3096) Parcel #33-21-29-2823-00-010
6550 Forest City Road
Unincorporated Orange County, Florida**

Dear Ms. Knox:

Parcel 1001/7001 is an eminent domain parcel at the southwest corner of All American Blvd. and Forrest City Rd. GAI is assisting the Orange County Real Estate Division and Right-of Way Division with planning and engineering appraisal support services for right-of-way acquisition.

Article XIII Section 30-63 of the Orange County Code states that managers of departments or their designee, having jurisdiction over land development, signs, and engineering codes, ordinances, and regulations, shall have the authority to grant waivers or exceptions, or to seek variances on behalf of owners of property from applicable codes, ordinances, regulations, or resolutions.

The acquisition will impact the subject property. The proposed cure for this site meets the code requirements to the greatest extent possible. However, the minimum building setback, billboard sign setback and the 7 ft. landscape buffer along All American Blvd. cannot be met and require a waiver/exception per Section 30-639 of the Orange County Code. The granting of the waiver or exception will not result in a condition which adversely affects the health, safety or welfare of the general public and therefore we believe is a reasonable request. Please indicate with your signature below if the county will waive the required building setback, billboard sign setback and landscape buffer requirement along the south side of All American Blvd.

Please return your response to me via email at d.kelly@gaiconsultants.com at your earliest convenience. If you should have any questions, please feel free to contact me at (407) 286-8583.

Sincerely,
GAI Consultants

C. Douglas Kelly, AICP
Sr. Planning Manager

CDK/atd

I concur with waiver:

Signed:

Ms. Carol L. Knox, Orange County Zoning Manager

October 31, 2017

Date

Exhibit C

**This document is exempt
under Florida Statutes
Section 119.07, and is not for
copying or distribution.**

Project: Kennedy Blvd.
Limits: (Forest City Road to Wymore Road)
Parcel: 1001
Case Name: *Orange County v. Personal Mini Storage Forest City Rd., Inc., et al.*
Case No. 2019-CA-000649-O

SETTLEMENT ANALYSIS

Land Size

Parent Tract: 6.720 ac
Remainder Tract: 6.436 ac
Parcel 1001: 0.284 ac (12,368 sf)

COMPENSATION VALUES				
	County's Initial Offer 3/15/18	County's Date of Deposit Appraisal	Respondent's Appraisal	Final Settlement After Negotiations
Parcel 1001	\$94,000	\$185,600	\$186,500	\$186,050
Improvements Taken	\$64,500	\$47,300	\$56,600	\$51,950
Cost to Cure	\$97,100	\$291,500	\$308,500	\$300,000
Severance Damages	\$0	\$0	\$565,700	\$197,000
Lost ODA Lease		\$0	\$25,000	\$25,000
Total	\$255,600	\$524,400	\$1,142,300	\$760,000

POTENTIAL FEES & COSTS SAVED BY SETTLEMENT	
Owner – Expert Witness Fees (Appraiser/Engineer)	\$180,000
– Statutory Attorney Fees (Assuming verdict in favor of Owner)*	\$195,575
County – Expert Witness Fees & Trial Preparation (Appraiser)	\$35,000
– Expert Witness Fees & Trial Preparation (Engineer, others)**	\$85,000
– Other – exhibit preparation/cost to produce	10,000
– Jury View	\$8,000
Total	\$513,575

*Attorney's fees in addition to the amount of attorney's fees based on the compensation due pursuant to the Mediated Settlement.

**This includes analysis by the County's new cure engineer.

EXHIBIT B

Settlement Analysis

Orange County v. Personal Mini Storage Forest City Rd., Inc.

Page 2

RECOMMENDED SETTLEMENT	
Compensation	\$760,000
Experts' Fees & Costs	\$40,000
Attorney's Fees	\$146,100
Total	\$946,100

The proposed right-of-way acquisition is for the improvement of Kennedy Blvd., which involves the addition and extension of turn-lanes, sidewalks and drainage improvements. The subject property is located at the southwest quadrant of Forest City Road and All American Blvd. With respect to the Personal Mini Storage Forest City Rd., Inc. ("PMS") property, the parent tract consists of a multi-building, climate-controlled, mini-storage facility with surface parking. Improvements within the proposed area taken are the following: a business ground sign, a stormwater retention pond, fencing, access gate, driveway pavement, sod, landscaping, and mature trees.

The County retained Robert Simmons, Jr. of The Spivey Group as its appraiser, who found that there were no incurable damages. The proposed right-of-way acquisition and road widening project will (1) eliminate the business sign, (2) reduce the retention volume in the existing stormwater pond, and (3) leave only 1 foot between the improvement on the remainder and the right-of-way. The proposed cure entails two wall signs to replace the impacted ground sign and reconstruction of the fencing in the vicinity of the retention pond and modifications to the pond to restore the retention volume. However, the building setback and landscape buffer requirements along All American Blvd. could not be met and required an Eminent Domain Waiver (which was provided in 2017).

On March 15, 2018, Orange County made an initial offer of \$256,700 (\$255,600 of which was allocated to subject Parcel 1001) to the property owner. Notices to Business Owner were sent on September 27, 2018, to Clear Channel Outdoor, Inc., Personal Mini Storage Forest City Rd., Inc. and Universal Outdoor, Inc. On January 16, 2019, Orange County filed an eminent domain lawsuit. On or about January 31, 2019, Clear Channel Outdoor served notice to PMS that it elected to terminate its ground lease on the subject property for the outdoor advertising billboard ("ODA"). Clear Channel Outdoor entered into a compensation waiver agreement with the County to waive compensation for the impacted ODA and remove it from the parent tract in exchange for retaining another ODA location in the County.

Settlement Analysis

Orange County v. Personal Mini Forest City Rd., Inc.

Page 3

Mr. Simmons updated his appraisal report on October 6, 2021, which showed the compensation for the proposed taking was \$408,500. In an updated appraisal report, Mr. Simmons valued the taking, as of the date of deposit, on December 15, 2021, at \$524,400.

PMS retained Richard Dreggors, of Calhoun, Dreggors & Associates, Inc. as its appraiser. On February 1, 2024, PMS made a settlement offer of \$550,000, plus incurable damages for a total of \$1,142,300. PMS was willing to accept reduced compensation for incurable damages, if the damages were mitigated by entering into agreements for (1) a right of entry to maintain, repair and replace improvements adjacent to the right-of-way, and (2) a resolution by the Board of County Commissioners ("BCC") to allow improvements on the remainder to be reconstructed and replaced at their existing location without requiring a variance. On February 2, 2024, PMS provided a copy of Mr. Dreggors' report.

The parties were very close on the amounts for compensation for the land taken, the improvements taken, and the cost to cure. Although the County's appraiser found no compensation for the lost ODA lease or for incurable damages, PMS's appraiser found that incurable damages and lost ODA lease valued at \$565,700 and \$25,000, respectively. At Mediation, held on February 8, 2024, the parties compromised on the differences between the appraisers and resolved these issues, subject to BCC approval, as follows:

1. Compensation for part taken: \$538,000
2. Incurable Damages: \$197,000
3. Lost ODA Lease: \$25,000
4. Attorney's fees are governed by Chapter 73, Florida Statutes. They are generally determined based upon a percentage of the "betterment" (final compensation minus initial offer) achieved by the property owner's attorney. In this case, the statutory attorney's fees are \$146,100 (There were no non-monetary attorney's fees.)
5. Orange County, as condemnor, is required to pay all reasonable expert fees and costs of the eminent domain proceeding. In this case, total expert fees and costs of \$40,000 is reasonable.

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

CASE NO.: 2019-CA-000649-O
DIVISION: 34

ORANGE COUNTY, FLORIDA,
a political subdivision of the
State of Florida,

Parcel 1001

Petitioner,

v.

**PERSONAL MINI STORAGE FOREST
CITY RD., INC.,** a Florida corporation;
7-ELEVEN, INC., a Texas corporation;
CLEAR CHANNEL OUTDOOR, INC., a
Delaware corporation; **UNKNOWN TENANTS
AND OTHER PARTIES IN POSSESSION;
UNKNOWN PARTIES WITH INTEREST IN
THE PROPERTY;** and **SCOTT RANDOLPH,**
Orange County Tax Collector,

Respondents.

STIPULATED FINAL JUDGMENT
(With Disbursement Instructions to Clerk)

THIS CAUSE having come before the Court on the Joint Motion for Entry of Stipulated Final Judgment by the Petitioner, ORANGE COUNTY, FLORIDA, a political subdivision of the State of Florida ("Petitioner" or sometimes "Orange County"), and the Respondent, PERSONAL MINI STORAGE FOREST CITY RD., INC. (hereinafter "PMS"), and it appearing to the Court that such parties were authorized to enter into such Motion, and 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 fully advised in the premises, it is hereby,

ORDERED AND ADJUDGED as follows:

1. PMS does have and recover of and from the Petitioner the total sum of **SEVEN HUNDRED SIXTY THOUSAND AND NO/100 DOLLARS (\$760,000.00)**, subject to any apportionment claims, and subject to credit to Petitioner for its Order of Taking deposit of \$408,500.00 previously paid, and subject to payment to the Orange County Tax Collector from said total sum for taxes calculated from January 1 to the date of deposit on December 15, 2021, pursuant to the Order of Taking; and in full payment for the property taken (designated as Parcel 1001 herein); for damages resulting to the remainder if less than the entire property was taken; for all other damages of any nature or kind including, but not limited to, for any improvements, severance damages, cost of cures, business damages, if any; and attorney's fees based upon any claim for non-monetary benefits.

2. Within thirty (30) days from the rendition of this Stipulated Final Judgment the Petitioner shall pay the sum of **THREE HUNDRED FIFTY-ONE THOUSAND FIVE HUNDRED AND NO/100 DOLLARS (\$351,500.00)** into the Registry of the Court, that amount being the difference between the full payment required by this Stipulated Final Judgment pursuant to Paragraph 1 and the amount of \$480,500.00 deposited pursuant to the Order of Taking.

3. Immediately after payment by Petitioner of the amount set forth in Paragraph 2 into the Registry of the Court, the Clerk of Court shall disburse the sum of **THREE HUNDRED FIFTY-ONE THOUSAND FIVE HUNDRED AND NO/100 DOLLARS (\$351,500.00)** to the Trust Account of Dean, Mead, Egerton, Bloodworth, Capouano & Bozarth, P.A., c/o Mark R. Leavitt, Esq., Dean Mead, 420 S. Orange Avenue, Suite 700, Orlando, Florida 32801-4911.

4. Respondent represents and warrants that Respondent PMS has the sole and exclusive right to all of the compensation for the parcel taken as set forth in Paragraph 1 and 2 above.

5. The Court awards PMS the sum of **ONE HUNDRED FORTY-SIX THOUSAND ONE HUNDRED AND NO/100 DOLLARS (\$146,100.00)** in full and complete satisfaction of all attorneys' fees (including any attorney's fees based upon non-monetary benefits), pursuant to Section 73.092, Florida Statutes.

6. The Court awards PMS the sum of **FORTY THOUSAND AND NO/100 DOLLARS (\$40,000.00)** in full and complete satisfaction of all of PMS's expert fees and costs, pursuant to Section 73.091, Florida Statutes, including, but not limited to, for Calhoun, Dreggors & Associates, Inc., MEI Civil, LLC, Williams Development Services, Inc. and Heron Group Management & Consulting.

7. Within thirty (30) days from the rendition of this Stipulated Final Judgment, the Petitioner shall pay to the Trust Account of Dean, Mead, Egerton, Bloodworth, Capouano & Bozarth, P.A., c/o Mark R. Leavitt, Esq., Dean Mead, 420 S. Orange Avenue, Suite 700, Orlando, Florida 32801-4911, as attorneys for PMS, the sum of **ONE HUNDRED EIGHTY-SIX THOUSAND ONE HUNDRED AND NO/100 DOLLARS (\$186,100.00)** that amount representing the total of attorneys' fees, costs and expenses, pursuant to Paragraph 5 above, and experts' fees and costs, pursuant to Paragraph 6 above.

8. The title to Parcel 1001, as more fully described in the Order of Taking, dated December 1, 2021, attached hereto as **Exhibit "A,"** which vested in the Petitioner pursuant to the Order of Taking, and the deposit of money previously made, is approved, ratified and confirmed.

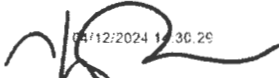
9. Orange County issued and is bound by the Eminent Domain Waiver, attached hereto as **Exhibit “B,”** which is incorporated herein by reference.

10. The parties agree that PMS shall retain a right of entry to enter Parcel 1001 in order to maintain and repair its adjacent improvements on the remainder property, further described in the legal description attached hereto as **Exhibit “C.”** For the avoidance of doubt, this right of entry does not include the right to enter the travel lane that may be developed within the bounds of Parcel 1001.

11. Counsel for Petitioner shall serve a copy of this Stipulated Final Judgment via U.S. Mail to all parties not receiving service of court filings through the Florida Courts e-Filing Portal and must file a Certificate of Service within three (3) days from the date of this Stipulated Final Judgment.

12. That this Court shall retain jurisdiction for the purpose of enforcing the terms and provisions of this Stipulated Final Judgment.

DONE and ORDERED in Orange County, Florida on the date set forth in the electronic signature below.


eSigned by Heather Pinder Rodriguez: 04/12/2024 14:30:29

Heather Pinder Rodriguez
Circuit Judge

CERTIFICATE OF SERVICE

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

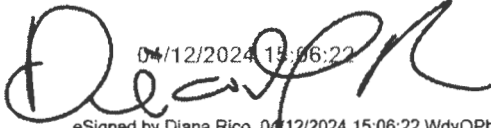

04/12/2024 15:06:22
eSigned by Diana Rico 04/12/2024 15:06:22 WdyOPbPO
Judicial Assistant

EXHIBIT A

(Stipulated Order of Taking)

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

CASE NO.: 2019-CA-000649-O
DIVISION: 34

ORANGE COUNTY, FLORIDA,
a political subdivision of the
State of Florida,

Parcel 1001

Petitioner,

v.

**PERSONAL MINI STORAGE FOREST
CITY RD., INC.,** a Florida corporation;
7-ELEVEN, INC., a Texas corporation;
CLEAR CHANNEL OUTDOOR, INC., a
Delaware corporation; **UNKNOWN TENANTS
AND OTHER PARTIES IN POSSESSION;
UNKNOWN PARTIES WITH INTEREST IN
THE PROPERTY;** and **SCOTT RANDOLPH,**
Orange County Tax Collector,

Respondents.

STIPULATED ORDER OF TAKING
(Directing Disbursement)

THIS CAUSE having come before the Court on the Joint Motion for Entry of Stipulated Order of Taking by Petitioner, ORANGE COUNTY, FLORIDA, ("Petitioner"), and Respondent, PERSONAL MINI STORAGE FOREST CITY RD., INC., ("Respondent"), and it appearing that proper notice was first given to all persons having or claiming any equity, lien, title, or other interest in or to the real property described in the Petition, and it appearing to the Court that the parties were authorized to enter into such Motion, and that the Petitioner would apply to this Court for an Order of Taking, and the Court being fully advised in the premises, upon consideration, it is, therefore,

Stipulated Order of Taking; Case No 2019-CA-000649-O; Page 1 of 4

EXHIBIT A
1 of 7

ADJUDGED:

1. That the Court has jurisdiction of this action, of the subject matter and of the parties to this cause.

2. That the pleadings in this cause are sufficient and the Petitioner is properly exercising its delegated authority.

3. That for the sole purpose of the entry of this Order of Taking, the estimate of value filed in this cause by the Petitioner was made in good faith and based upon a valid appraisal.

4. That upon payment of the deposit of the money hereinafter specified into the Registry of this Court, the right, title or interest specified in the Petition as described herein shall vest in the Petitioner.

5. That the deposit of monies will secure the persons lawfully entitled to the compensation which will be ultimately determined by final judgment of this Court. The determination of full compensation is reserved and shall be determined later by negotiation, mediation, or jury trial.

6. That the total sum of money to be deposited into the Registry of the Court within twenty (20) days of the entry of this Order shall be in the amount of **FOUR HUNDRED EIGHT THOUSAND FIVE HUNDRED AND NO/100 DOLLARS (\$408,500.00)**.

7. Immediately after payment by Petitioner of the amount set forth in Paragraph 6 into the Registry of the Court, the Clerk of Court shall disburse the sum of **FOUR HUNDRED SEVEN THOUSAND SIX HUNDRED FIFTY-EIGHT AND 14/100 DOLLARS (\$407,658.14)** to the Trust Account of Dean, Mead, Egerton, Bloodworth, Capouano & Bozarth, P.A., c/o Mark R. Leavitt, Esq., Dean Mead, 420 S. Orange Avenue, Suite 700, Orlando, Florida 32801; and the sum of **EIGHT HUNDRED FORTY-ONE AND 86/100 DOLLARS (\$841.86)** as the full and complete payment due of all taxes current, advance and delinquent for the Parcel listed in this

lawsuit, to Scott Randolph, Orange County Tax Collector, 200 S. Orange Avenue, Suite 1600, Orlando, Florida 32801.

8. That the disbursement of the funds in the total amount of \$408,500 deposited into the Registry of the Court is subject to apportionment claims, if any, which shall be subsequently determined by this Court by any such person or entity claiming an apportionment. Petitioner shall not be responsible for the separate payment of any such apportionment claims, except as may be determined by this court at a subsequent hearing, or by stipulation of the parties. In no event shall Petitioner be responsible for payment of any additional initial deposit amount greater than the good faith deposit for compensation set forth in this Stipulated Order of Taking, exclusive of fees and costs for apportionment, if any.

9. That upon deposit of the monies set forth above, and without further notice or Order of this Court, the Petitioner shall be entitled to possession of the property described in the Petition.

10. That legal title to the following described property, to-wit:

SEE EXHIBIT "A"

shall vest in Petitioner, ORANGE COUNTY, FLORIDA, a political subdivision of the State of Florida, upon deposit of the aforesaid sums into the Registry of the Court.

11. That this Order of Taking is based on Petitioner's commitments that it intends to construct the project as shown in the right of way maps and construction plans which have been filed by Petitioner in this action. Petitioner acknowledges that its appraiser relied upon the project being built in substantial conformity with said construction plans for the purpose of the Petitioner's Order of Taking appraisal. Therefore, in the event Petitioner fails to construct the project substantially in conformance with these right of way maps and construction plans, Respondents retain all rights and remedies pursuant to *Central and Southern Florida Control District v. Wye*


Stipulated Order of Taking; Case No 2019-CA-000649-O; Page 3 of 4

EXHIBIT A
3 of 7

River Farms, Inc., 297 So.2d 323 (Fla. 4th DCA 1974) cert. denied 310 So. 2d 745 (Fla. 1975).

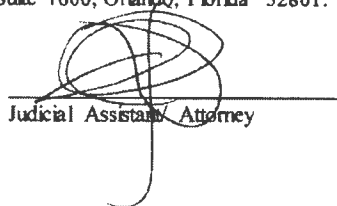
12. That any party subject to the public disclosure requirements of Section 286.23, Florida Statutes, is notified that it is required to make a public disclosure in writing, under oath and subject to the penalties prescribed for perjury. Such person or entity making the disclosure shall state his name and address and the name and address of every person having a beneficial interest in the real property, however small or minimal. The written disclosure shall be made to Orange County Attorney's Office, 201 S. Rosalind Avenue, Third Floor, P.O. Box 1393, Orlando, FL 32802-1393, Attention: Scott McHenry, Assistant County Attorney.

DONE AND ORDERED in Chambers at Orlando, Orange County, Florida this 30th day of November, 2021.


Paetra Brownlee
Circuit Judge

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on ~~November~~ ^{December} 1, 2021, a true and correct copy of the foregoing document has been furnished to the following: **Scott R. McHenry**, Assistant County Attorney, Orange County Attorney's Office, 201 S. Rosalind Avenue, Third Floor, Orlando, Florida 32801, scott.mchenry@ocfl.net, rosemarie.guevara@ocfl.net and gailstanford@ocfl.net; **Mark R. Leavitt, Esq.**, Dean Mead, 420 S. Orange Avenue, Suite 700, Orlando, Florida 32801-4911, mleavitt@deanmead.com and smarshall@deanmead.com; and **Scott Randolph**, Orange County Tax Collector, 200 South Orange Avenue, Suite 1600, Orlando, Florida 32801.


Judicial Assistant Attorney

SCHEDULE "A"

KENNEDY BOULEVARD
PARCEL No.: 1001

LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND LYING IN THE SOUTHEAST 1/4 OF SECTION 33, TOWNSHIP 21 SOUTH, RANGE 29 EAST, ORANGE COUNTY, FLORIDA, BEING A PORTION OF LOT 1, FOREST CITY CORNERS, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 20, PAGE 4, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE SOUTHEAST 1/4 OF SECTION 33, TOWNSHIP 21 SOUTH, RANGE 29 EAST, ORANGE COUNTY, FLORIDA, BEING A FOUND RAILROAD SPIKE WITH NO IDENTIFICATION; THENCE NORTH 89°54'10" WEST ALONG THE NORTH LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 33, A DISTANCE OF 1801.17 FEET TO A POINT; THENCE SOUTH 00°26'58" EAST, A DISTANCE OF 38.47 FEET TO THE POINT OF INTERSECTION OF THE EXISTING SOUTHERLY RIGHT OF WAY LINE OF ALL AMERICAN BOULEVARD PER LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 4088, PAGES 4479 THROUGH 4483 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, AND THE EAST LINE OF LOT 1, FOREST CITY CORNERS, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 20, PAGE 4, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 00°26'58" EAST ALONG SAID EAST LINE, A DISTANCE OF 27.52 FEET TO A POINT ON THE PROPOSED SOUTHERLY RIGHT OF WAY LINE OF ALL AMERICAN BOULEVARD; THENCE NORTH 77°41'11" WEST ALONG SAID PROPOSED SOUTHERLY RIGHT OF WAY LINE, A DISTANCE OF 28.05 FEET TO A POINT; THENCE SOUTH 89°54'46" WEST ALONG SAID PROPOSED SOUTHERLY RIGHT OF WAY LINE, A DISTANCE OF 273.79 FEET TO A POINT; THENCE SOUTH 85°27'42" WEST ALONG SAID PROPOSED SOUTHERLY RIGHT OF WAY LINE, A DISTANCE OF 113.87 FEET TO A POINT ON THE WEST LINE OF SAID LOT 1; THENCE NORTH 00°22'51" WEST ALONG SAID WEST LINE, A DISTANCE OF 38.55 FEET TO A POINT ON SAID EXISTING SOUTHERLY RIGHT OF WAY LINE; THENCE SOUTH 89°54'10" EAST ALONG SAID EXISTING SOUTHERLY RIGHT OF WAY LINE, A DISTANCE OF 352.80 FEET TO A POINT; THENCE SOUTH 83°42'51" EAST ALONG SAID EXISTING SOUTHERLY RIGHT OF WAY LINE, A DISTANCE OF 80.05 FEET TO THE POINT OF BEGINNING.

CONTAINING 12,368 SQUARE FEET MORE OR LESS.

GENERAL NOTES:

1. THE PURPOSE OF THIS SKETCH IS TO DELINEATE THE DESCRIPTION ATTACHED HERETO. THIS DOES NOT REPRESENT A BOUNDARY SURVEY.
2. A CERTIFICATE OF TITLE INFORMATION PREPARED BY FIRST AMERICAN TITLE INSURANCE COMPANY, DATED DECEMBER 17, 2013, FILE NUMBER 2037-3088255/13.00143, 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.
3. THE BEARINGS SHOWN HEREON ARE BASED ON THE NORTH LINE OF THE SOUTHEAST 1/4 OF SECTION 33, TOWNSHIP 21 SOUTH, RANGE 29 EAST, HAVING A BEARING OF NORTH 89°54'10" WEST, AN ASSUMED DATUM.
4. UNLESS IT BEARS THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER, THIS SKETCH IS FOR INFORMATIONAL PURPOSES ONLY.
5. THIS SKETCH MAY HAVE BEEN REDUCED IN SIZE BY REPRODUCTION. THIS MUST BE CONSIDERED WHEN OBTAINING SCALED DATA.
6. ALL RECORDING REFERENCES SHOWN ON THIS SKETCH REFER TO THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, UNLESS OTHERWISE NOTED.
7. THIS SKETCH IS NOT A SURVEY.

REVISIONS

1. REVISED SKETCH AND LEGAL DESCRIPTION BASED ON NEW EXISTING RIGHT OF WAY LINE PROVIDED BY ORANGE COUNTY 7/9/2012.
2. UPDATED SKETCH 2/22/2014.

PAGE 1 OF 2

For: ORANGE COUNTY

Date: FEBRUARY 2012

Project No.: 094-01

Drawn: EJC

Checked: HPV

LEGAL DESCRIPTION
KENNEDY BOULEVARD



GEODATA CONSULTANTS, INC.
SURVEYING & MAPPING
1540 SOUTH INTERNATIONAL PARKWAY
SUITE 2101
LAKELAND, FLORIDA 33744
PHONE: (407) 732-8063 FAX: (407) 979-0841
Linda Turner, Business Administrator

EXHIBIT A
1 of 3

EXHIBIT A
5 of 7

SCHEDULE "B"

3096 KENNEDY BOULEVARD LANE PARCEL 1001

FEE SIMPLE

Parcel 1001: the interest being acquired is fee simple.

EXHIBIT A
3 of 3

EXHIBIT A
7 of 7

EXHIBIT B

(Eminent Domain Waiver)



Orlando Office
618 East South Street
Suite 700
Orlando, Florida 32801

T 407.423.8398
F 407.843.1070

October 10, 2017

GAI Project No.: A140221.05

Ms. Carol Knox
Zoning Manager
Orange County Zoning Division
201 So. Rosalind Avenue, First Floor
Orlando, FL 32801

**Parcel 1001/7001 (Self-Storage Warehouse with ODA)
Kennedy Boulevard (CIP No. 3096) Parcel #33-21-29-2823-00-010
6550 Forrest City Road
Unincorporated Orange County, Florida**

Dear Ms. Knox:

Parcel 1001/7001 is an eminent domain parcel at the southwest corner of All American Blvd. and Forrest City Rd. GAI is assisting the Orange County Real Estate Division and Right-of Way Division with planning and engineering appraisal support services for right-of-way acquisition.

Article XIII Section 30-63 of the Orange County Code states that managers of departments or their designee, having jurisdiction over land development, signs, and engineering codes, ordinances, and regulations, shall have the authority to grant waivers or exceptions, or to seek variances on behalf of owners of property from applicable codes, ordinances, regulations, or resolutions.

The acquisition will impact the subject property. The proposed cure for this site meets the code requirements to the greatest extent possible. However, the minimum building setback, billboard sign setback and the 7 ft. landscape buffer along All American Blvd. cannot be met and require a waiver/exception per Section 30-639 of the Orange County Code. The granting of the waiver or exception will not result in a condition which adversely affects the health, safety or welfare of the general public and therefore we believe is a reasonable request. Please indicate with your signature below if the county will waive the required building setback, billboard sign setback and landscape buffer requirement along the south side of All American Blvd.

Please return your response to me via email at d.kelly@gaiconsultants.com at your earliest convenience. If you should have any questions, please feel free to contact me at (407) 286-8583.

Sincerely,
GAI Consultants

C. Douglas Kelly, AICP
Sr. Planning Manager

CDK/atd

I concur with waiver:

Signed:

Ms. Carol L. Knox, Orange County Zoning Manager

____ October 31, 2017 _____
Date

EXHIBIT C

(Legal Description of Remainder)

EXHIBIT C

Legal Description of Remainder

FOREST CITY CORNERS 20/4 LOT 1 (LESS BEGINNING AT THE SOUTHEAST CORNER OF LOT 2 THENCE S00-36-45E 30 FT THENCE S89-55-46W 198.50 FT THENCE N00-36-45W 30 FT THENCE N89-55-46E 198.50 FT TO THE POINT OF BEGINNING) & (LESS PART TAKEN FOR RIGHT OF WAY DESCRIBED AS COMMENCING AT NORTHEAST CORNER OF SOUTHEAST 1/4 OF SEC 33-21-29 THENCE N89-54-10W 1601.17 FT THENCE S0-26-58E 36.47 FT TO THE POINT OF BEGINNING THENCE S0-26-58E 27.52 FT THENCE N77-41-11W 26.05 FT THENCE S89-54-46W 273.79 FT THENCE S85-27-42W 113.67 FT THENCE N0-22-51W 38.55 FT THENCE S89-54-10E 352.9 FT THENCE S83-42-51E 60.05 FT TO THE POINT OF BEGINNING PER DOC 20210737414)