

**Lee County Board Of County Commissioners
Agenda Item Summary**

Blue Sheet No. 20061673

1. ACTION REQUESTED/PURPOSE: Approve Offer of Judgment in the eminent domain action of Lee County v. John D. Powell, et al., case no. 04CA-4818-G, parcel 204, owned by Margaret Miezjewski and Paul Lummis and heirs of Standley B. Lummis, deceased, in the amount of \$138,600.

2. WHAT ACTION ACCOMPLISHES: Makes offer of judgment in an effort to limit court costs incurred by Lee County when this action is concluded.

3. MANAGEMENT RECOMMENDATION: Lee County Attorney's office recommends approval.

4. Departmental Category: 12 – County Attorney **A12D**

5. Meeting Date: JAN 09 2007

6. Agenda:
 Consent
 Administrative
 Appeals
 Public
 Walk-On

7. Requirement/Purpose: (specify)
 Statute
 Ordinance
 Admin. Code
 Other

8. Request Initiated:
 Commissioner _____
 Department County Attorney
 Division Litigation
 By: John S. Turner, Assistant
 County Attorney

9. Background: Lee County desires to make an offer of judgment to the property owners in the pending eminent domain case captioned above for a 10% increase in the amount paid at the Order of Taking. This offer is made pursuant to Section 73.032, Fla. Stat. (2006), which if accepted by the property owners, ends the litigation. If the property owners do not accept the offer of judgment, and the judgment rendered by the Court in this action is equal to or less than the offer, then Lee County can limit the amount of costs it must pay to the property owners. If the judgment rendered by the Court is more than the offer of judgment, no adverse impact results against Lee County. The parties failed to reach settlement at mediation and the case is proceeding to trial.

Funds available in string account no.: 20200118700.506110

10. Review for Scheduling:

Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Budget Services				County Manager/P.W. Director
					Analyst	Risk	Grants	Mgr.	
				<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>

11. Commission Action:

- Approved
- Deferred
- Denied
- Other

CO. ATTY.
FORWARDED
TO CO. MGR.
12/13/06

RECEIVED BY
COUNTY ADMIN:
12-13-06 *[Signature]*
12:58
COUNTY ADMIN
FORWARDED TO:
12/14 430
[Signature]