

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

Blue Sheet No. 20030863

1. REQUESTED MOTION:

ACTION REQUESTED: Approve mediated settlement in Lee County v. Brady, Case No. 02-10691-CA, Parcel 109.

WHY ACTION IS NECESSARY: Board must approve any settlement.

WHAT ACTION ACCOMPLISHES: Settles all claims except fees and costs.

2. DEPARTMENTAL CATEGORY:

COMMISSION DISTRICT #

A12C

3. MEETING DATE:

08-05-2003

4. AGENDA:

CONSENT

ADMINISTRATIVE

APPEALS

PUBLIC

WALK ON

TIME REQUIRED:

5. REQUIREMENT/PURPOSE:

(Specify)

STATUTE

ORDINANCE

ADMIN. CODE

OTHER

6. REQUESTOR OF INFORMATION:

A. COMMISSIONER

B. DEPARTMENT

County Attorney's Office

C. DIVISION

Trial Section

BY: John J. Renner

Chief Assistant County Attorney

7. BACKGROUND:

On December 17, 2002, Lee County condemned 2.7 acres from a vacant 40 acre tract owned by Margaret Brady, Trustee for Treeline Avenue. Lee County's appraisal on November 30, 2001 was \$236,000.00. The owner's appraisal was \$442,000.00. A mediated settlement of \$342,000.00 was reached. Based upon the updated sales that occurred since November 30, 2001 and the December 17, 2002 date of value, the County Attorney and Port Authority staff recommend the Board accept the mediated settlement.

Funds are available in account: 21830141231.506110.30

8. MANAGEMENT RECOMMENDATIONS:

9. RECOMMENDED APPROVAL:

A Department Director	B Purchasing or Contracts	C Human Resources	D Other	E County Attorney	F Budget Services				G County Manager
N/A	N/A	N/A	N/A	<i>[Signature]</i>	OA <i>RK 7/24</i>	OM <i>OK 7/24</i>	RISK <i>OK 7/24/03</i>	GC <i>KS 7/24/03</i>	<i>[Signature] 7-24-03</i>

10. COMMISSION ACTION:

- _____ APPROVED
- _____ DENIED
- _____ DEFERRED
- _____ OTHER

RECEIVED BY COUNTY ADMIN	<i>[Signature]</i>
7/25	330
COUNTY ADMIN FORWARDED TO:	<i>[Signature]</i>
7/24	40

TWENTIETH JUDICIAL CIRCUIT OF FLORIDA

RECORD OF AGREEMENT

Lee County v. Brady (Parcel 109)

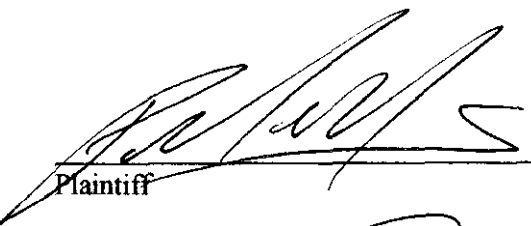
Case No. 02-10691

THE PARTIES AND COUNSEL, HAVING MET THIS 22nd DAY OF JULY, 2003, AGREE AS FOLLOWS:

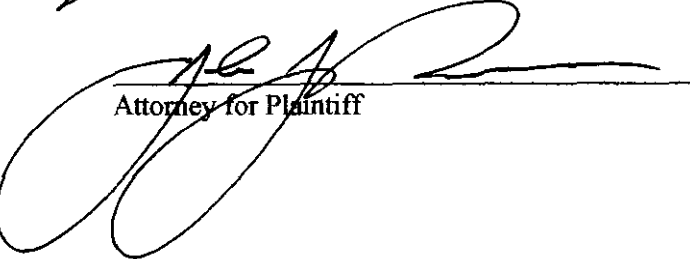
Petitioner shall pay the sum of \$342,000.00 in full satisfaction of all claim of Defendant Brady, other than chargeable costs and attorney's fees. Said sum consists of \$236,000.00 good faith deposit previously paid, together with \$ 106,000.00 in new money.

Cost and attorney's fees shall be determined by stipulation if possible, and if the parties are unable to reach an agreement as to either costs and or attorney's fees, same shall be determined by the Court at a duly noticed hearing.

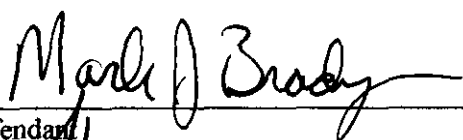
This settlement is contingent upon approval by the Lee County Board of County Commissioners within 45 days. If the settlement is not approved, this agreement shall be null, void, and of no further force and effect.



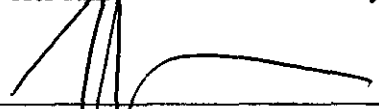
Plaintiff



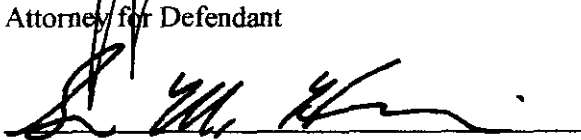
Attorney for Plaintiff



Defendant



Attorney for Defendant



Mediator

The above agreement is approved by me on this _____ day of _____, 2003.

Judge