

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

Blue Sheet No. 20031218

1. REQUESTED MOTION:

ACTION REQUESTED: Approve settlement in Lee County v. Alico Mining, Inc., et al. Case No. 02-9451-CA.

WHY ACTION IS NECESSARY: Board must approve settlement.

WHAT ACTION ACCOMPLISHES: Settles all claims for condemnation of Parcel 1.

2. DEPARTMENTAL CATEGORY:

COMMISSION DISTRICT #

A12B

3. MEETING DATE:

10-28-2003

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 Litigation
- BY: John J. Renner
Chief Assistant County Attorney

7. BACKGROUND: Lee County condemned 1.72 acres of land from Alico Mining, Inc. for construction of the airport's southerly drainage outfall. Through foreclosure, the land is currently owned by Jonbo Corporation. Lee County's first written offer was based on an appraisal of \$34,400 in 2000. Subsequent to that appraisal, the land to be acquired was encumbered by a conservation easement given to the South Florida Water Management District. Upon re-appraisal to factor the easement, Lee County's appraiser valued the 1.72 acres at \$8,600. A negotiated settlement of \$13,600 plus \$1,308 in attorney fees and costs has been reached. The difference between appraised value and settlement would be exceeded by litigation costs. The County Attorney recommends approval.

Funds available in account no.: 21832941231.506110

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	OM	RISK	GC	<i>[Signature]</i>
					<i>10/15/03</i>	<i>10/13/03</i>	<i>10/15/03</i>	<i>10/15/03</i>	<i>10-16-03</i>

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

CO. ATTY.
FORWARDED
TO CO. ADMIN.
10-14-03

RECEIVED BY
COUNTY ADMIN: *[Signature]*
10/14
3:10 pm 507
COUNTY ADMIN
FORWARDED TO: *[Signature]*
10/16/03