

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

Blue Sheet No. 20060793

1. ACTION REQUESTED/PURPOSE: Approve settlement offer to the Defendant Fort Myers Airways in Case No. 96CC-001682 and 96AP-007591 in the amount of \$50,000, which is a share of the total amount of \$336,310.78 which is on deposit in the Court Registry.

2. WHAT ACTION ACCOMPLISHES: If the offer is accepted by the Defendant, the litigation will end.

3. MANAGEMENT RECOMMENDATION: County Attorney's Office recommends approval of offer of settlement.

4. Departmental Category: 12- A12F		5. Meeting Date: June 27, 2006
6. Agenda: <input type="checkbox"/> Consent <input checked="" type="checkbox"/> Administrative <input type="checkbox"/> Appeals <input type="checkbox"/> Public <input type="checkbox"/> Walk-On	7. Requirement/Purpose: (specify)	
	<input type="checkbox"/> Statute	
	<input type="checkbox"/> Ordinance	
	<input type="checkbox"/> Admin. Code	
	<input checked="" type="checkbox"/> Other	
		8. Request Initiated: Commissioner _____ Department <u>County Attorney</u> Division <u>Litigation</u> By: <u>John S. Turner</u> Assistant County Attorney

9. Background: There is on deposit in the Court Registry \$336,310.78 which represents surety deposits by the Defendant Fort Myers Airways, Inc. in the captioned cases. The Defendant desires to split the amount of deposit equally, but Lee County does not think that is fair or equitable. To resolve the litigation and close the cases, Lee County would recommend a refund to the Defendant Fort Myers Airways of \$50,000 and retain the balance to cover its costs and expenses.

10. Review for Scheduling:

Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Budget Services			County Manager/P.W. Director
					Analyst	Risk	Grants	
				<i>J. Turner</i>	<i>6/12/06</i>	<i>6-14</i>	<i>6/14/06</i>	<i>6-15-06</i>

11. Commission Action:

- Approved
- Deferred
- Denied
- Other

FORWARDED TO
 CO. ADMIN.
 6/12/06

RECEIVED BY
 COUNTY ADMIN: *JH*
 6/12/06 3:00 PM
 COUNTY ADMIN
 FORWARDED TO
 6/15/06
 9 AM