

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

Blue Sheet No. Lee 0428

1. ACTION REQUESTED/PURPOSE Authorize settlement in Lee County v. Philip J. and Barbara K. Schwartz, et al., Case No. 05CA3703.

2. WHAT ACTION ACCOMPLISHES: Settles all claims for compensation for condemnation of property, including attorneys fees and costs.

3. MANAGEMENT RECOMMENDATION: Approve settlement.

4. Departmental Category: 12 – County Attorney **A12G** **5. Meeting Date:** August 1, 2006

| | | | | | |
|-------------------------------------|----------------|--|-------------|------------------------------|---------------------------------|
| 6. Agenda: | | 7. Requirement/Purpose: (specify) | | 8. Request Initiated: | |
| <input type="checkbox"/> | Consent | <input type="checkbox"/> | Statute | <input type="checkbox"/> | Commissioner |
| <input checked="" type="checkbox"/> | Administrative | <input type="checkbox"/> | Ordinance | <input type="checkbox"/> | Department County Attorney |
| <input type="checkbox"/> | Appeals | <input type="checkbox"/> | Admin. Code | <input type="checkbox"/> | Division Litigation |
| <input type="checkbox"/> | Public | <input checked="" type="checkbox"/> | Other | <input type="checkbox"/> | By: Susan M. Henderson |
| <input type="checkbox"/> | Walk-On | <input type="checkbox"/> | | <input type="checkbox"/> | Assistant County Attorney |

9. Background:

Lee County condemned Parcel 1028, consisting of a permanent drainage easement, for the Veronica Shoemaker Boulevard Project (Project No. 4073). The date of taking was October 31, 2005. The County's appraised value is \$7,400. A settlement for an additional \$1,100 avoids payment of business damages, severance damages for the partial take, owners' attorneys fees, and any further expert fees.

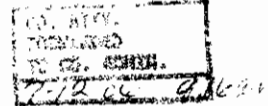
Funds available in City of Fort Myers string account no.: 34943155416100

10. Review for Scheduling:

| Department Director | Purchasing or Contracts | Human Resources | Other | County Attorney | Budget Services | | | | County Manager/P.W. Director |
|---------------------|-------------------------|-----------------|-------|-----------------|-----------------|---------|---------|---------|------------------------------|
| | | | | XXXX | Analyst | Risk | Grants | Met | |
| | | | | | RK 7/12 | 7/14/06 | 7/14/06 | 7/14/06 | ITS 7/14/06 |

11. Commission Action:

- Approved
- Deferred
- Denied
- Other



| | |
|----------------------------|----------------|
| RECEIVED BY | <i>JK</i> |
| COUNTY ADMIN: | <i>JK</i> |
| COUNTY ADMIN FORWARDED TO: | <i>JK</i> |
| | <i>7/14/06</i> |
| | <i>SPM</i> |