

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

Blue Sheet No. 20061399

**1. ACTION REQUESTED/PURPOSE:** Approve mediated settlement in Lee County v. Lamar Advertising Co., Case No. 06CA-1713-I.

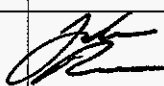
**2. WHAT ACTION ACCOMPLISHES:** Settles dispute regarding relocation of billboard.

**3. MANAGEMENT RECOMMENDATION:** Approve settlement agreement.

<b>4. Departmental Category:</b> 12 <b>A12B</b>		<b>5. Meeting Date:</b> OCT 31 2006
<b>6. Agenda:</b> <input type="checkbox"/> Consent <input checked="" type="checkbox"/> Administrative <input type="checkbox"/> Appeals <input type="checkbox"/> Public <input type="checkbox"/> Walk-On	<b>7. Requirement/Purpose: (specify)</b>	
	<input type="checkbox"/> Statute	
	<input type="checkbox"/> Ordinance	
	<input type="checkbox"/> Admin. Code	
	<input checked="" type="checkbox"/> Other	
		<b>8. Request Initiated:</b> Commissioner _____ Department County Attorney Division Litigation By: <u>John J. Renner, Chief</u> <u>Assistant County Attorney</u>

**9. Background:** In 1989, an easement for an access road along the west side of U.S. 41 south of Alico Road was conveyed to Lee County. A billboard owned by Lamar Advertising Co. was in the easement area prior to conveyance of the easement to Lee County. The need to construct the access road has arrived and a dispute over relocating the billboard arose. Lamar claimed entitlement to relocation and reconstruction costs under Section 70.20, Fla. Stat. Lee County claimed a superior right via its easement. A mediated settlement has been reached whereby Lamar will relocate and reconstruct a tri-vision billboard at its own expense. Lee County will permit a deviation from the 30 foot height limit to 45 feet to avoid a conflict with an onsite sign and allow the face of the billboard to extend no more than 9 feet into the easement (road shoulder) but no part of the sign shall extend over the pavement. The settlement will allow the access road to be built and the billboard to remain at its leased location.

**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.	
					RK/10/16	10/13/06	10/13/06	10/18	HS 10/13/06

**11. Commission Action:**

- Approved
- Deferred
- Denied
- Other

