

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

Blue Sheet No. 20020177

1. REQUESTED MOTION:

ACTION REQUESTED: Approve mediated settlement in Lee County v. Puglia, Case No. 00-2401CA-IA.

WHY ACTION IS NECESSARY: To approve mediation agreement.

WHAT ACTION ACCOMPLISHES: Resolves compensation for ten (10) acres acquired by eminent domain.

2. DEPARTMENTAL CATEGORY:
COMMISSION DISTRICT #

A12A

3. MEETING DATE:

03-12-2002

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
- C. DIVISION _____
- BY: John J. Renner
Assistant County Attorney

7. BACKGROUND: Lee County condemned ten (10) acres of land from Samuel Puglia to expand the Olga Water Treatment Plant. Lee County's appraisal was \$110,000.00. Puglia's appraisal was \$336,000.00. A mediated settlement has been reached, a copy of which is attached. Lee County will pay \$190,000.00 as is, or \$200,000.00 if Lee County can transfer alum sludge on the site to adjacent land owned by Puglia.

Funds are available is String Account 20 7084 48730.506199
Capital Improvement
North Lee County Water Treatment Plant
Lee County Utilities Capital Improvement
Land Acquisition Services

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>[Signature]</i> 2-18-02	OM <i>[Signature]</i> 2-19-02	RISK <i>[Signature]</i> 2-19-02	GC <i>[Signature]</i> 2-18-02	<i>[Signature]</i> 2-20-02

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

RECEIVED BY COUNTY ADMIN.	
<i>3/18</i>	<i>2002</i>
COUNTY ADMIN. FORWARDED TO:	
<i>2/20</i>	<i>[Signature]</i>

CO. ATT.
FORWARDED
TO CO. ADMIN.
2-18-02 2:00pm

IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT
IN AND FOR LEE COUNTY, FLORIDA
CIVIL DIVISION

LEE COUNTY, FLORIDA,
a political subdivision of the State of Florida,

Case No.: 00-2401-CA-IA

Petitioner,

v.

SAMUEL A. PUGLIA, et al.

Defendants.

MEDIATED SETTLEMENT AGREEMENT

At a Mediation Conference held on the 14th day of February, 2002, the parties reached the following Settlement Agreement:

1. Petitioner will pay to Respondent(s), Samuel A. Puglia the sum of \$190,000.00/100 in full settlement of all claims for compensation from Petitioner whatsoever, including statutory interest, but excluding attorney's fees, experts' fees, and costs.
2. Petitioner is entitled to a credit in the amount of \$60,000.00/100 which was previously deposited in the Registry of the Court in this case by Petitioner.
3. Counsel for Petitioner and Respondent(s) will jointly submit to the Court for signature a mutually approved Stipulated Final Judgment in this matter as soon as practical hereafter.
4. Petitioner will pay Respondent(s) the balance due of \$130,000.00/100 within 20 days of the actual date of receipt by Petitioner's counsel of a conformed copy of the aforesaid Stipulated Final Judgment from the Court.
5. This Agreement is subject to approval by the Board of County Commissioners of Lee County.
6. The Court will retain jurisdiction herein as to the matter of Respondent(s) attorney's fees, experts' fees, and costs.

7. Attached hereto is an addendum to this Agreement.

 ✓ Yes No

8. This Agreement and the attached addendum, if any, contain(s) all of the agreements of the parties.

Petitioner

[Signature]

Attorney for Petitioner

[Signature]

Mediator

Defendant

[Signature]

Defendant

[Signature]

Attorney for Defendant

ADDENDUM TO MEDIATED SETTLEMENT AGREEMENT

~~This settlement is made subject to the following additional conditions:~~

1. Lee County shall pay Sam Puglia on additional \$10,000.00/100 under the following circumstances:

a) Mr. Puglia will take the sludge presently located on the 10 acre parcel. Lee County will haul the sludge onto Mr. Puglia's remaining 40 acres, at its sole cost and expense, and deposit it at a location near the center of the property to be specified by Mr. Puglia. Lee County will obtain any necessary permits to move the sludge onto Mr. Puglia's property and will furnish Mr. Puglia with an analysis of the material at, or prior to, depositing the material onto Mr. Puglia's property. Said analysis shall be conducted for the sole purpose of obtaining any necessary permits by Lee County.

Petitioner

Attorney for Petitioner

John M. Conrad

Mediator

Defendant

Defendant

Attorney for Defendant(s)