

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

Blue Sheet No. 20020394

1. REQUESTED MOTION:

ACTION REQUESTED: Approve settlement in Lee County v. Baker, et al; Case No. 99-6791-CA (Parcel 217/Richards).

WHY ACTION IS NECESSARY: Board approval is necessary to enter settlement agreement.

WHAT ACTION ACCOMPLISHES: Settles all claims for taking of Parcel 217.

2. DEPARTMENTAL CATEGORY:
COMMISSION DISTRICT #

A12C

3. MEETING DATE:

04-23-2002

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

7. BACKGROUND: Lee County condemned 3,591.2 sq. ft. of land from an improved commercial site to widen Alico Road. As a result of the taking, several parking spaces will be lost. There is no land on remaining property on which to reconstruct the lost parking spaces. There is a 40' easement for drainage on the western portion of the parcel. A settlement has been reached as follows: (1) Lee County will pay the owners \$33,337.00 for the land and improvements taken. This is \$1,480.00 over Lee County's appraisal; (2) Lee County will obtain the permits to construct the replacement parking on the land now covered by the 40' easement; (3) Lee County will vacate the 40' easement as it appears on the plat of San Carlos Park subdivision; (4) Lee County will quit-claim any interest in the 40' easement area to the owners; (5) Lee County will pay \$5,000.00 attorney fees which includes issuance of title insurance to the owners; and (6) Lee County will pay expert fees and costs.

Funds are available in Acct. String No. 20403018804.506199.

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> 4-11-02	OM <i>[Signature]</i> 4/11/02	RISK <i>[Signature]</i> 4/11/02	GC <i>[Signature]</i> 4-11-02	<i>[Signature]</i>

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

CO. ATTY.
FORWARDED
TO CO. ADMIN.
4-11-02

RECEIVED BY
4/11/02 4pm
4/11/02 445