

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

Blue Sheet No. 20020619

1. REQUESTED MOTION:

ACTION REQUESTED: Approve settlement in Lee County v. Gatorland Vistas, Inc.; Case No. 99-7850-CA; Del Prado Extension.; Approve transfer from reserves in the amount of \$220,000 and amend FY 01-02 CIP accordingly. *ebw*

WHY ACTION IS NECESSARY: To approve settlement.

WHAT ACTION ACCOMPLISHES: Settles all claims for the taking except fees and costs.

**2. DEPARTMENTAL CATEGORY:
COMMISSION DISTRICT #**

A12C

3. MEETING DATE: June 11, 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 Parcel 101 (1.1 acres in fee simple and 1.375 encumbered by a powerline easement) and Parcel 101 Elec: Part A (14.926 acres encumbered by a powerline easement) and Parcel 101 Elec: Part B (1.129 acres encumbered by a powerline easement) from The Heritage, a mobile home park owned by Gatorland Vistas, Inc. for construction of the Del Prado Extension. Lee County's appraisal was \$83,800.00. Gatorland Vistas' appraisal was \$770,000.00. There was not much dispute over the value of the land and the disparity in appraisals was due to severance damages. Gatorland Vistas claimed \$500,000.00 in damages due to noise visibility, etc. from the new road. Lee County recognized a potential for damage to the eastern part of the property, however, it is Lee County's position the damage can be cured by releasing a reservation of a 150 ft. road right of way on Gatorland Vistas' property, thereby allowing development to occur on land further from the portion of the new road constructed on land taken from Gatorland Vistas.

A settlement has been reached whereby all compensation claims will be settled for \$275,000.00 and Lee County will release the 150 ft. road right of way reservation placed on Gatorland Vistas' property by the former Traffic Ways Map. Funds are available in Acct. String No. 20401330700.506110.

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> 5/30/02	OM <i>[Signature]</i> 5/30/02	RISK <i>[Signature]</i> 5/30/02	GC <i>[Signature]</i> 5/30/02	<i>[Signature]</i>

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

CO. ATTY.
FORWARDED
TO CO. ADMIN.
5-28-02

RECEIVED BY
COUNTY ADMIN. *PMC*
5/28 320
COUNTY ADMIN.
FORWARDED TO: *EW*
5/30 320

