

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

Blue Sheet No. 20030096

1. REQUESTED MOTION:

ACTION REQUESTED: Accept \$1,115.58 settlement offer from Progressive Insurance Company for \$1,685.79 in Lee County property damages to guardrail caused by Mr. George Nixon in a vehicle accident on June 17, 2002.

WHY ACTION IS NECESSARY: Board of County Commissioners' approval required for settlement offers and execution of Release for Property Damage are required to complete the transaction with Progressive Insurance Companies for their payment.

WHAT ACTION ACCOMPLISHES: Releases Progressive Insurance and George Nixon from any further liability to the County for a \$1,115.58 payment to County for damages to Lee County property, invoice 1562.

2. DEPARTMENTAL CATEGORY: A12A
COMMISSION DISTRICT #

3. MEETING DATE:
02-11-2003

4. AGENDA:

CONSENT

ADMINISTRATIVE

APPEALS

PUBLIC

WALK ON

TIME REQUIRED:

5. REQUIREMENT/PURPOSE:
(Specify)

STATUTE

ORDINANCE

ADMIN. CODE

OTHER Settlement

Offer & Execution of Releases

6. REQUESTOR OF INFORMATION:

A. COMMISSIONER

B. DEPARTMENT County Attorney

C. DIVISION General Services

BY: Scott S. Covert
Scott S. Covert,
Assistant County Attorney

7. BACKGROUND:

On June 17, 2002, Mr. George Allan Nixon, Jr. was involved in a motor vehicle accident damaging a Lee County Department of Transportation (DOT) guardrail costing \$1,685.70 to repair and another driver's automobile (Buick Lesabre) costing \$15,111.29 to repair. Mr. Nixon is insured by Progressive Insurance. The Claims Representative for Progressive Insurance, stated the Lee County guardrail has not paid because Mr. Nixon's insurance policy has a property damage limitation of \$10,000. The Claims Representative has offered to settle the Lee County DOT and Buick Lesabre claims if both parties accept a pro rata share of the \$10,000.00 property limitation. The Insurance carrier for the Buick Lesabre is willing to accept 66.1756% of their damage (\$8,884.42). Progressive Insurance Company is willing to pay 66.1756% or \$1,115.58 in exchange for a property damage release, releasing Mr. Nixon from any further expense.

Proceeds shall be deposited in account: PC5400017500.364420.9003 (DOT Operations-Revenue-Transportation Trust-RK Operations Insurance Proceeds)

ATTACHMENTS: Release for Property Damage (3 Originals)

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
<u>John Cloutier</u>	N/A	N/A	N/A	<u>Scott S. Covert</u> 1/24/03	OA <u>RK</u> 1/24	OM <u>1/27/03</u>	RISK <u>1/27/03</u>	GC <u>1/27/03</u>	<u>[Signature]</u>

10. COMMISSION ACTION:

APPROVED

DENIED

DEFERRED

OTHER

Rec. by CoAtty
Date: 1-24-03
Time: 2:30
Forwarded To:
Ch. Adm. 2.130
1-24-03

RECEIVED BY
COUNTY ADMIN. RK
3/15
COUNTY ADMIN.
FORWARDED TO: BH
1/30 12:00

RELEASE OF CLAIMS

The **LEE COUNTY GOVERNMENT**, a political subdivision of the State of Florida, for the sole consideration of the payment of One Thousand One Hundred Fifteen Dollars and Fifty Cents (\$1,115.58) from **PROGRESSIVE INSURANCE COMPANY**, hereby release and forever discharge George & Crystal Nixon its servants, successors, heirs, executors, administrators, assigns, from any and all claims, demands, or causes of action on suits of any kind in any way arising out of damages to property caused by an accident on June 17, 2002, at Clear Lake Loop in Fort Myers, Florida.

The undersigned hereby declares that the terms of this settlement have been completely read and are fully understood and voluntarily accepted for the purpose of making a full and final compromise adjustment and settlement of any and all claims, disputed or otherwise, on account of the damages above-mentioned, and for the express purpose of precluding forever any further or additional claims relating to property damage arising out of the aforesaid accident.

As consideration for payment of the above amount, **LEE COUNTY GOVERNMENT, DEPARTMENT OF TRANSPORTATION** shall not institute any legal proceedings against **PROGRESSIVE INSURANCE COMPANY** and **GEORGE** and **CRYSTAL NIXON** for any claims connected with Claim Number 028382737, and forever discharges **PROGRESSIVE INSURANCE COMPANY** and **GEORGE** and **CRYSTAL NIXON** from all claims, demands, damages and actions arising therefrom.

DATED this _____ day of _____, 2003.

ATTEST: CHARLIE GREEN
CLERK OF COURTS

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: _____
Deputy Clerk

BY: _____
Chairman

APPROVED AS TO FORM:

BY: _____
Office of the County Attorney