

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

Blue Sheet No. 20040120

1. REQUESTED MOTION: Submit offer of judgment for \$500.00 to settle case of S.W. ENTERPRISE ASSOCIATES, INC. v. Lee County, et al., Case No. 03-851-CA.

ACTION REQUESTED: Approval of Board of County Commissioners of an offer of judgment per F.R.C.P. 1.442.

WHY ACTION IS NECESSARY: Board of County Commissioners must approve an offer of judgment prior to its being submitted.

WHAT ACTION ACCOMPLISHES: Settle all claims in this case. Plaintiff has 30 days to accept offer. If it is not accepted and Lee County prevails in the case, the Plaintiff may be liable for Lee County's attorney fees.

2. DEPARTMENTAL CATEGORY:
COMMISSION DISTRICT # A12B

3. MEETING DATE:
02-17-2004

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 S. Turner
Assistant County Attorney

7. BACKGROUND: The Plaintiff, S.W. Enterprise Associates, Inc., sued Lee County in case no. 03-851CA alleging an inverse condemnation, resulting from approval of certain development orders authorizing access through the Plaintiff's property. Lee County denies the claim and is vigorously defending the case. In order to claim an attorney's fee after prevailing on the claim, Lee County needs to make an offer of judgment in a nominal amount. If the Plaintiff accepts the offer, the case is over. If the offer is rejected, the case will continue until its fruition.

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>	OM <i>[Signature]</i>	RISK <i>[Signature]</i>	GC <i>[Signature]</i>	<i>[Signature]</i>

10. COMMISSION ACTION:
 APPROVED
 DENIED
 DEFERRED
 OTHER