

WALK ON #6

Lee County Board of County Commissioners
Agenda Item Summary

Blue Sheet No. 20041258

1. **REQUESTED MOTION:**

ACTION REQUESTED: Consider an offer of settlement in the railroad abandonment proceeding before the Surface Transportation Board on a portion of the Baker spur abutting Alico Road.

WHY ACTION IS NECESSARY: The Board of County Commissioners must consider an offer of settlement.

WHAT ACTION ACCOMPLISHES: Either resolves the dispute by accepting offer of settlement, or make a counter offer, or continue the action by rejecting all offers.

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

3. **MEETING DATE:**

09-28-2004

4. **AGENDA:**

5. **REQUIREMENT/PURPOSE:**
(Specify)

6. **REQUESTOR OF INFORMATION:**

- CONSENT
- ADMINISTRATIVE
- APPEALS
- PUBLIC
- WALK ON
- TIME REQUIRED:

- STATUTE
- ORDINANCE
- ADMIN. CODE
- OTHER

- A. COMMISSIONER
- B. DEPARTMENT County Attorney
- C. DIVISION
- BY: John S. Turner
Assistant County Attorney

7. **BACKGROUND:** Seminole Gulf Railway has made an offer of settlement to resolve the pending action before the Surface Transportation Board (STB) for abandonment of a portion of the Baker spur. The offer involves Lee County obtaining abandonment of the entire spur from U.S. 41 to its terminus on Alico Road in exchange for payment of \$250,000.00. The spur currently serves a JJ Taylor Distributing and FP&L. JJ Taylor Distributing will be relocating in January of 2005, and FP&L will continue to use a portion of the Baker's Spur for transloading equipment. The STB is scheduled to rule on Lee County's request for abandonment on October 4. Due to the time constraint and problems inherent with the offer, it is the recommendation of the Lee County Attorney's Office to reject the proposal and not make a counteroffer at this time.

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 RK 9/27	OM 9/27/04	RISK 9/27/04	GC 9/27/04	<i>[Signature]</i> DAS 9-28-04

10. **COMMISSION ACTION:**


- APPROVED
- DENIED
- DEFERRED
- OTHER

RECEIVED BY
COUNTY ADMIN: *[Signature]*
9/27/04
4:00pm SCT
COUNTY ADMIN
FORWARDED TO: *[Signature]*
9/28/04
9:11am 8:30pm

**MEMORANDUM
FROM THE
OFFICE OF COUNTY ATTORNEY**

DATE: September 27, 2004

To: Libby Walker
Public Resources Director

FROM: 
John S. Turner
Assistant County Attorney

**RE: WALK-ON AGENDA ITEM
BLUE SHEET NUMBER 20041258**

Attached please find Agenda Item No. 20041258 which I am requesting as a walk-on for the Tuesday, September 28, 2004 Board meeting. I am requesting it as a walk-on for the following reason:

- A. A response to the offer of settlement must be made prior to October 4.

After approval, please add to the agenda and distribute as required.

Thank you for your assistance in this matter.

JST/cdd

Attachment