

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

Blue Sheet No. 20041387

1. REQUESTED MOTION:

ACTION REQUESTED: Approve an additional \$75,000.00 for purchase order of Foley & Lardner, LLP for legal representation before the Surface Transportation Board, Washington D.C., in the adverse abandonment action against Seminole Gulf Railroad, Case AB-400, for Alico Road Project.

WHY ACTION IS NECESSARY: To cover additional costs expected in the adverse abandonment proceeding against Seminole Gulf Railroad for the Alico Road Project.

WHAT ACTION ACCOMPLISHES: Provides additional funds expected to be needed for representation of this case.

2. DEPARTMENTAL CATEGORY:
COMMISSION DISTRICT #

A12A

3. MEETING DATE:

11-09-2004

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 _____
- BY: John S. Turner
Assistant County Attorney

7. BACKGROUND: The County has retained Foley & Lardner, LLP to assist the County as counsel in pending litigation before the Surface Transportation Board, Washington D.C. to obtain an abandonment of the Seminole Gulf Railway Crossing on Alico Road. The purchase order amount must be increased in order to cover existing and projected costs of this litigation.

Funds are available in String Account 20403030700.506110

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	<i>DD/2/10/04</i> <i>AKA</i>	<i>John</i>	<i>Comm</i>	<i>10/25/04</i>	<i>10/25/04</i>	<i>10/25/04</i>	<i>10/25/04</i>

10. COMMISSION ACTION:

- _____ APPROVED
- _____ DENIED
- _____ DEFERRED
- _____ OTHER

RECEIVED BY
 COUNTY ADMIN: *RLC*
10/22/04
11/30/04
 COUNTY ADMIN
 FORWARDED TO: *11/30/04*
11/30/04

MS