

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

Blue Sheet No. 20051539

1. ACTION REQUESTED/PURPOSE:

Approve mediated settlement of the wrongful death claim against Lee County in the case of Gregory Holton individually and as representative of the Estate of Eric Holton v. Lee County & Parklands Development, L.P. Case No.: 04-CA-900-JSC in the amount of \$100,000.00.

2. WHAT ACTION ACCOMPLISHES:

Resolves this case prior to the trial by jury of this matter, limiting the County's exposure.

3. MANAGEMENT RECOMMENDATION:

To approve a negotiated settlement of this case.

4. Departmental Category:
County attorney-12

C12C

5. Meeting Date:

11-01-2005

6. Agenda:

7. Requirement/Purpose: (specify)

8. Request Initiated:

<input checked="" type="checkbox"/> Consent	<input type="checkbox"/> Statute
<input type="checkbox"/> Administrative	<input type="checkbox"/> Ordinance
<input type="checkbox"/> Appeals	<input type="checkbox"/> Admin. Code
<input type="checkbox"/> Public	<input checked="" type="checkbox"/> Other
<input type="checkbox"/> Walk-On	

Commissioner _____
Department County Attorney
Division Litigation
By: John Turner, Assistant County Attorney

9. Background:

On February 8, 2003, at approximately 1:00 a.m., Eric Holton was an unseatbelted passenger in a motor vehicle that failed to negotiate the end of the pavement of Bonita Beach Road Extension east of I-75. The vehicle went off the road and into a drainage ditch striking a cement culvert. Eric Holton was 19 years old and pronounced dead at the scene. Liability revolves around ownership and maintenance of the roadway at the time of the accident. Lee County owned the roadway and granted a Certificate of Compliance to Parklands Development 9 days prior to the accident after Parklands had built and maintained the road. Original demand by the Plaintiffs was \$940,000 against Lee County and the developer/builder of Bonita Beach Road Extension.

A settlement in the amount of \$100,000.00 is inclusive of all costs, fees and subrogable interests arising from this matter.

Risk Management and the County Attorney's Office recommend approval of this settlement.

Funds are available in the Risk Management Loss Fund, Account String G0133857700.504540.02.

10. Review for Scheduling:

Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Budget Services				County Manager/P.W. Director
					Analyst	Risk	Grants	Mgr.	
				J Turner	2K 10/19	JK 10/20/05		Mg. 10/19/05	<i>[Signature]</i>

11. Commission Action:

- Approved**
- Deferred**
- Denied**
- Other**

CO. ATTY.
FORWARDED
TO CO. ADMIN.
10/19/05

RECEIVED BY
COUNTY ADMIN. *JK*
10-19-05
1:58
COUNTY ADMIN
FORWARDED TO:
10/19/05
J/T