

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

Blue Sheet No. 20061779

1. ACTION REQUESTED/PURPOSE: Accept \$15,162.79 settlement offer from Nationwide Insurance Company for property damage to Lee County roadway on Business U.S. 41 and Pondella Road caused by Clarys Sitework and Development, Inc. in a vehicle accident on February 27, 2006.

2. WHAT ACTION ACCOMPLISHES: Releases Nationwide Insurance Company and Clarys Sitework and Development, Inc. from any further liability to the County for damages to Lee County property and compensates Lee County for the full amount of damages.

3. MANAGEMENT RECOMMENDATION: Recommend settlement. The Board of County Commissioners' approval is required for settlement offers and execution of the Release for Property Damage is required to complete the transaction with Nationwide Insurance Company for their payment.

4. Departmental Category:		A12A	5. Meeting Date:		JAN 23 2007
6. Agenda:		7. Requirement/Purpose: (specify)		8. Request Initiated:	
<input type="checkbox"/> Consent	<input type="checkbox"/> Statute			Commissioner	
<input checked="" type="checkbox"/> Administrative	<input type="checkbox"/> Ordinance			Department <u>County Attorney</u>	
<input type="checkbox"/> Appeals	<input type="checkbox"/> Admin. Code			Division <u>General Services</u>	
<input type="checkbox"/> Public	<input checked="" type="checkbox"/> Other <u>Settlement</u>			By: <u>Jed R. Schneck</u>	
<input type="checkbox"/> Walk-On	<input type="checkbox"/> Offer & Execution of Releases			Assistant County Attorney	

9. Background:

On February 27, 2006, Clarys Sitework and Development, Inc. was involved in a motor vehicle accident damaging the traffic control box on Business U.S. 41 and Pondella Road causing \$15,162.79 in damages. The Nationwide claims representative has offered to settle this claim for the full amount in exchange for a property damage release, releasing Nationwide Insurance Company and Clarys Sitework and Development, Inc. from any further expense.

(Attachment - Release of Property Damage Claim)

Funds will be deposited into account LPD 5410917500.364420.9000

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.	
<i>[Signature]</i>	N/A	N/A		<i>[Signature]</i> 1/4/06	RK 1/5	MT 1-5-07	<i>[Signature]</i>	1/5/07	<i>[Signature]</i> 1.3.07

11. Commission Action:

Approved

Deferred

Denied

Other

REC'D
by CO. ATTY:
1/4/07
4:30 am

CO. ATTY.
FORWARDED TO:
1/5/07
9:45 am

RECEIVED BY
COUNTY ADMIN:
1/5/07
1:50 pm

COUNTY ADMIN
FORWARDED TO:

RELEASE OF CLAIMS

The **LEE COUNTY GOVERNMENT**, a political subdivision of the State of Florida, for the sole consideration of the payment of Fifteen Thousand, One Hundred Sixty-Two Dollars and Seventy-Nine Cents (\$15,162.79) from **NATIONWIDE INSURANCE COMPANY** hereby releases and forever discharges Nationwide Property and Casualty Insurance Company, Ross Anderson, Clarys Sitework and Development, Inc., its servants, successors, heirs, executors, administrators, and 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 February 27, 2006 at Business U.S. 41 and Pondella Road 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 Nationwide Property and Casualty Insurance Company, Ross Anderson and Clarys Sitework and Development, Inc. for any claims arising out of the accident on February 27, 2006 and connected with Claim Number 77 09 BA 347435 02272006 51, and forever discharges Nationwide Property and Casualty Insurance Company, Ross

Anderson, and Clarys Sitework and Development, Inc. from all claims, demands, damages and actions arising therefrom.

DATED this _____ day of _____, 2007.

ATTEST: CHARLIE GREEN
CLERK OF COURTS

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

By: _____
Deputy Clerk

By: _____
Chair

APPROVED AS TO FORM:

By: _____
Office of County Attorney