

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

Blue Sheet No. 20070266

1. ACTION REQUESTED/PURPOSE: Authorize settlement in Lee County v. Kathleen L. Johnson, et al., Case No. 06CA247.

2. FUNDING SOURCE: Road Impact Fees - Southwest District; Capital Project - RK
Three Oaks Extension, South.

3. WHAT ACTION ACCOMPLISHES: Settles all claims for compensation for condemnation of property, including attorneys fees and costs.

4. MANAGEMENT RECOMMENDATION: Approve settlement.

5. Departmental Category: 12-

A12A

6. Meeting Date: MARCH 13, 2007

7. Agenda:

8. Requirement/Purpose: (specify)

9. Request Initiated:

<input type="checkbox"/> Consent	<input type="checkbox"/> Statute	<input type="checkbox"/> Commissioner
<input checked="" type="checkbox"/> Administrative	<input type="checkbox"/> Ordinance	<input type="checkbox"/> Department County Attorney
<input type="checkbox"/> Appeals	<input type="checkbox"/> Admin. Code	<input type="checkbox"/> Division Litigation
<input type="checkbox"/> Public	<input checked="" type="checkbox"/> Other	<input type="checkbox"/> By: Susan M. Henderson
<input type="checkbox"/> Walk-On		

10. Background:

Lee County condemned Parcel 203, consisting of fee simple in a 9428 square foot parcel, and Parcel 203SDE, consisting of an 1822 square foot slope drainage easement, for the Three Oaks Parkway Extension Project (Project No. 4043). The date of taking is March 31, 2006. The County's appraised value of the partial taking is \$119,000. To settle the case, rather than a partial taking, the County will take the entire 16,838 square foot lot owned by Ms. Johnson in fee simple and pay \$170,000. A settlement for an additional \$51,000, for a total of \$170,000, avoids the payment of severance damages for the partial take and includes owner's attorneys fees, and any further expert fees.

Funds are available in account: 20404318824.506110. RK

11. Review for Scheduling:

Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Budget Services				County Manager/P.W. Director
				AK	Analyst	Risk	Grants	Merz	
					RK 2/16	MM 2/16/07	2/16/07	2/17/07	<i>[Signature]</i>

12. Commission Action:

- Approved
- Deferred
- Denied
- Other

RECEIVED BY COUNTY ADMIN: RK
2/15/07
10m
COUNTY ADMIN FORWARDED TO: JH
2/15/07
3pm

CO. ATTY. FORWARDED TO CO. ADMIN.
2-15-07 11:30am