

Meeting Date
October 4, 2016



AGENDA	
Section	Consent
Item No.	II.D.2

AGENDA REPORT
 BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

SUBJECT:	Approve Joint Motion and Stipulated Final Judgment in the Amount of \$3,317.49 Re: Brevard County v. B West Townhouses LTD, et al, Case No: 05-2013-CA-025677-XXXX-XX (BWest- Parcels 113, 150 and 832)
DEPT/OFFICE:	County Attorney's Office/ Public Works Department Contact Person, Scott L. Knox, County Attorney and Eden Bentley, Deputy County Attorney Telephone: (321) 633-2090; scott.knox@brevardcounty.us and eden.bentley@brevardcounty.us John Denninghoff, Public Works Director @ 617-7202; john.denninghoff@brevardcounty.us

Requested Action:
 Approve Joint Motion and Stipulated Final Judgment in the amount of \$3,317.49 Brevard County v. B West Townhouses LTD, et al, Case No: 05-2013-CA-025677-XXXX-XX (BWest- Parcels 113, 150 and 832).

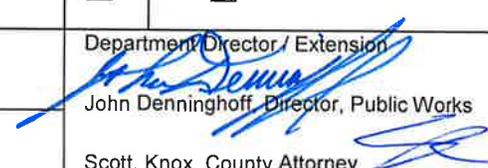
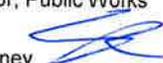
Summary Explanation & Background:

A petition in eminent domain was filed in 2013 to take necessary parcels along Barnes Boulevard. B West Townhouses, Ltd. owned the parcels listed above. The Board of County Commissioners authorized an offer of judgment to B West Townhouses, Ltd which was served on July 13, 2016 following the July 12, 2016 Board meeting. The offer of \$42,000 was accepted. Based on the statutory calculation, the fee owed to the attorney for property owner is \$3,300.00, which is the amount claimed. The property owner also claimed a copying cost of \$17.49, which is an authorized claim under the statute. Accordingly, staff recommends approval of the joint motion and the stipulated final judgment in the amount of \$3,317.49.

Fiscal Impact: Commission District: 4 \$3,317.49
 Fund/Account/Cost Code: 1163/265160/5610000

Clerk to the Board Instructions:

Exhibits Attached:

Contract /Agreement (if attached):		Reviewed by County Attorney	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	PR <input type="checkbox"/>
County Manager	Assistant County Manager	Department Director / Extension	 John Denninghoff, Director, Public Works Scott, Knox, County Attorney 		
Stockton Whitten	Assistant County Manager				



Tammy Rowe, Clerk to the Board, 400 South Street • P.O. Box 999, Titusville, Florida 32781-0999

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October 5, 2016

MEMORANDUM

To: Scott Knox, County Attorney

Re: Item II.D.2., Joint Motion and Stipulated Final Judgment in the Amount of \$3,317.49, for Brevard County v. B. West Townhouses LTD, et al, Case No. 05-2013-CA-025677-XXXX-XX

The Board of County Commissioners, in regular session on October 4, 2016, approved Joint Motion and Stipulated Final Judgment in the amount of \$3,317.49 Brevard County v. B. West Townhouses LTD, et al, Case No. 05-2013-CA-025677-XXXX-XX (B. West- Parcels 113, 150, and 832).

Your continued cooperation is greatly appreciated.

Sincerely yours,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tammy Rowe, Deputy Clerk

/cm

IN THE CIRCUIT COURT OF THE EIGHTEENTH JUDICIAL
CIRCUIT, IN AND FOR BREVARD COUNTY, FLORIDA

BREVARD COUNTY, FLORIDA,
A political subdivision of the State of Florida,

CASE NO.: 05-2013-CA-025677
Parcel Nos.: 113, 150, 832

Petitioner,

v.

B WEST TOWNHOUSES, LTD., et al,
Respondents/Defendants.

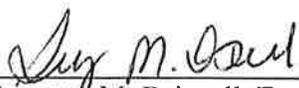
JOINT MOTION FOR STIPULATED FINAL JUDGMENT
AS TO ATTORNEY'S FEES for Parcels 113, 150 and 832

The Petitioner, BREVARD COUNTY, FLORIDA, and the Respondent, B WEST TOWNHOUSES, LTD., by and through the undersigned counsel, respectfully move for the entry of the attached Stipulated Final Judgment as to Attorney's Fees or Parcels 113, 150, and 832 on this _____ day of September, 2016.

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Telephone: (954) 524-5505
Facsimile: (954) 888-3077
sdriscoll@shutts.com

Eden Bentley, Deputy County Attorney
Florida Bar No. 370908
Attorney for Petitioner BREVARD COUNTY,
FLORIDA



Suzanne M. Driscoll, Esq.
Florida Bar No. 82797
Attorney for Respondent, B WEST
TOWNHOUSES, LTD.
Parcels 113, 150, 832

IN THE CIRCUIT COURT OF THE EIGHTEENTH JUDICIAL
CIRCUIT, IN AND FOR BREVARD COUNTY, FLORIDA

BREVARD COUNTY, FLORIDA,
A political subdivision of the State of Florida,

CASE NO.: 05-2013-CA-025677
Parcel Nos.: 113, 150, 832

Petitioner,

v.

B WEST TOWNHOUSES, LTD., et al,
Respondents/Defendants.

**STIPULATED FINAL JUDGMENT
AS TO ATTORNEY'S FEES AND COSTS FOR PARCELS 113, 150 and 832**

THIS CAUSE having come on upon a joint motion for the entry of a Stipulated Final Judgment as to Attorney Fees and Costs made by the Petitioner, BREVARD COUNTY, FLORIDA, and Respondent, B WEST TOWNHOUSES, LTD., set forth herein below; and it appearing to the Court that the parties were authorized to enter into such motion; and the Court finding that the Stipulated Order of Taking for Parcels 113, 150 and 832 entered on September 12, 2013, and recorded in Official Records Book 7026 Page 1118, in the Official Records of Brevard County, Florida, vested title in the Petitioner; and subsequently Respondent, B WEST TOWNHOUSES, LTD, accepted the Offer of Judgment as to Parcels 113, 150 and 832 on July 22, 2016, it is hereby:

ORDERED and ADJUDGED that the Respondent, B WEST TOWNHOUSES, LTD., pursuant to § 73.092(1), Florida Statutes, shall have and recover from the Petitioner the sum of Three Thousand Three-hundred Dollars (\$3,300.00) for attorney's fees. B WEST TOWNHOUSES, LTD. shall also have and recover from the Petitioner pursuant to § 73.091,

Florida Statutes, the sum of Seventeen and 49/100 Dollars (\$17.49) for costs advanced on behalf of B WEST TOWNHOUSES, LTD. to IMAGE SOURCE for oversized copying expenses.

ORDERED that upon entry of this Stipulated Final Judgment as to Attorney's Fees and Costs, the Petitioner shall within thirty (30) days pay Three Thousand Three Hundred Seventeen and 49/100 Dollars (\$3,317.49) to Shutts & Bowen LLP Trust Account, c/o Suzanne Driscoll, Esquire, 200 East Broward Boulevard, Suite 2100, Fort Lauderdale, Florida 33301, on behalf of Respondent, B WEST TOWNHOUSES, LTD.

ORDERED AND ADJUDGED that the Court specifically reserves jurisdiction to address and award expert witness fees and costs in this matter, as well as attorney's fees (if any) pursuant to Section 73.092(2), Florida Statutes, incurred in connection with any supplemental proceedings held herein.

DONE AND ORDERED in Chambers at the Titusville Courthouse in Brevard County, Florida, this _____ day of _____, 2016.

John M. Harris
Circuit Judge

CERTIFICATE OF SERVICE

I hereby certify that a conformed copy of the above has been furnished by U.S. Mail to Suzanne Driscoll, Shutts & Bowen LLP, 200 East Broward Boulevard, Suite 2100, Fort Lauderdale, Florida 33301 and Eden Bentley, Deputy County Attorney, Brevard County Attorney Office MS #89, 2725 Judge Fran Jamieson Way, C-308, Viera, FL 32940, or by efileing with a copy to sdriscoll@shutts.com and Eden.Bentley@brevardcounty.fl this _____ day of _____, 2016.

Judicial Assistant