

Meeting Date
December 5, 2017



AGENDA	
Section	Consent
Item No.	<i>II.A.2</i>

AGENDA REPORT
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

SUBJECT:	Approval Re: <i>Brevard County, Florida v. Sumerset Florida, LLC, et al.; Case No.: 05-2011-CA-031229-XXXX-XX</i> Ace and Julia Young - Parcel 822 Eminent Domain Action for Barnes Blvd – District 4. (Fiscal Impact: \$93,300.00)
DEPT/OFFICE:	Public Works Department / Land Acquisition Section

Requested Action:

It is requested that the Board of County Commissioners approve settlement in the amount of \$97,500.00 for all issues relating to Ace and Julia Young- Parcel 822 condemned as part of the Barnes Boulevard Widening Project

Summary Explanation & Background:

The subject property is located in Section 22, Township 25 South, Range 36 East

Background: In 2011, Brevard County condemned a tract of land along Barnes Boulevard from Respondents, Ace and Julia Young (the Youngs). The County's appraised value for these parcels was \$4,200.00. The property owner presented a land value and severance damage claim of \$42,600.00; attorney's fees and reasonable costs must also be paid per the statutory requirements. In November 2017, after extensive discussions, the parties reached an agreement that Staff would recommend settling this matter to the Board of County Commissioners for \$93,300.00 plus monies already deposited with the Court in the amount of \$4,200.00. In the event the County was to remove trees or bushes from the property within the next three years, the County would remit an additional Two Thousand, Four Hundred Dollars (\$2,400.00) to the Respondents. Staff does not anticipate this occurring. This settlement amount includes the payment of attorney's fees and all other fees and costs. While this number is significantly higher than the County's appraised value, numerous additional costs will be avoided if the case is settled prior to trial.

Under Florida law, the County is required to pay all of the property owner's costs incurred in eminent domain matters. The costs were approximately \$55,670.93 through the week of December 15, 2015. It should be noted that these costs do not include costs for trial preparation for either party or the hiring of additional experts by the property owner in anticipation of trial. These costs also do not include attorney's fees. Staff estimates that winning on every count at trial in this matter would result in a cost to the County well in excess of \$97,500.00. If the property owner was to prevail at trial, costs could be in excess of \$200,000.00.

Staff recommends acceptance of the settlement agreement with the Youngs and requests authorization for the staff to proceed with settlement via stipulated final judgment.

Fiscal impact: FY 2017-2018: \$93,300.00 (\$97,500.00 less the \$4,200.00 previously deposited in the Court Registry)
FY 2018-2019: None

Clerk to the Board Instructions:

Exhibits Attached:

Contract /Agreement (If attached):		Reviewed by County Attorney	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	PR	<input type="checkbox"/>
County Manager Frank Abbate	<i>[Signature]</i>	Assistant County Manager John P. Denninghoff	<i>[Signature]</i>	Interim Assistant County Manager Jim Liesenfelt		Department Director / Extension Andrew J. Holmes / PE / 57202 <i>[Signature]</i>		

BOARD OF COUNTY COMMISSIONERS

AGENDA: BREVARD COUNTY, FLORIDA V. SUMERSET FLORIDA, LLC, ET AL;
CASE NO.: 05-2011-CA*-031229-XXXX-XX ACE AND JULIA YOUNG -
PARCEL 822 EMINENT DOMAIN ACTION FOR BARNES BLVD -
DISTRICT 4

AGENCY: PUBLIC WORKS DEPARTMENT / LAND ACQUISITION SECTION

AGENCY CONTACT: DAN JONES LAND ACQUISITION SUPERVISOR

CONTACT PHONE: 321-690-6847 (5-2726)

REVIEW

	APPROVE	DISAPPROVE	DATE
LAND ACQUISITION Dan Jones, Supervisor	<u>DJS</u>	_____	<u>11/16/17</u>
COUNTY ATTORNEY Matt Soss Asst. County Attorney	<u>see attached</u>	_____	<u>11/16/17</u>
PUBLIC WORKS Andrew J. Holmes, Director	_____	_____	_____

AGENDA DUE DATE: November 15, 2016 for the December 5, 2017 Board meeting

IF ANY REVIEWING OFFICE HAS QUESTIONS OR CONCERNS REGARDING THIS PACKAGE, PLEASE ADVISE AGENCY CONTACT IMMEDIATELY.

PLEASE CALL DEBBIE CRUZ AT 690-6847 (5-6847) WHEN READY TO BE PICKED UP.

THANK YOU.

BOARD OF COUNTY COMMISSIONERS

AGENDA: BREVARD COUNTY, FLORIDA V. SUMERSET FLORIDA, LLC, ET AL;
CASE NO.: 05-2011-CA*-031229-XXXX-XX ACE AND JULIA YOUNG –
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AGENCY CONTACT: DAN JONES LAND ACQUISITION SUPERVISOR

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REVIEW

	APPROVE	DISAPPROVE	DATE
LAND ACQUISITION Dan Jones, Supervisor	_____	_____	_____
COUNTY ATTORNEY Matt Soss Asst. County Attorney	<u>MS</u>	_____	<u>11/15/16</u>
PUBLIC WORKS Andrew J. Holmes, Director	_____	_____	_____

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THANK YOU.



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

Telephone: (321) 637-2001
Fax: (321) 264-6972
Tammy.Rowe@brevardclerk.us

December 6, 2017

MEMORANDUM

TO: Andrew Holmes, Public Works Director

RE: Item II.A.2., Brevard County, Florida v. Sumerset Florida, LLC, et al, Case No.: 05-2001-CA-031229-XXXX-XX, Ace and Julia Young – Parcel 822, Eminent Domain Action for Barnes Boulevard

The Board of County Commissioners, in regular session on December 5, 2017, approved the settlement in the amount of \$97,500.00, for all issues relating to Ace and Julia Young – Parcel 822, condemned as part of the Barnes Boulevard Widening Project.

Your continued cooperation is greatly appreciated.

Sincerely yours,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tammy Rowe

Tammy Rowe, Deputy Clerk

/cmw

cc: Contracts Administration
Land Acquisition
County Attorney
Budget
Finance

NO
ATTACH-
ments