



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Consent

F.32.

7/7/2020

Subject:

Settlement of Attorney's Fees and Costs

Brevard County v. B West Townhouses et. Al. 05-2013-CA-025677 Parcels 115/731/117/828/706 Tradewinds Plaza, LLC and Meadowbrook, LLC Barnes Boulevard Widening Project

Fiscal Impact:

\$41,100.00

Dept/Office:

County Attorney/ Public Works

Requested Action:

Approve Joint Motion and Stipulated Final Judgment for Attorney's Fees and Costs

Summary Explanation and Background:

In 2013, Brevard County filed an eminent domain action to acquire strips of land 12 to 14 feet in width from parcels abutting Barnes Boulevard. The valuation issues for all the parcels have been resolved. A dispute over appraisal fees arose as to the two owners listed as Tradewinds Plaza, LLC and Meadowbrook, LLC. A two-day trial was held and an appraisal fee was awarded for each ownership interest. Pursuant to the eminent domain statutes and case law, attorney fees are paid for litigating the amount of expert appraiser witness fees. In this case, the attorneys provided time sheets claiming time and hourly rates in an amount of \$151,137.55 for litigating over the appraisal fees. The attorney has agreed to settle that claim for \$40,000.00. The property owners also incurred \$11,000.00 in costs. They have offered to settle these claims for \$1,100.00. Acceptance of this offer brings the total payment to \$41,100.00. To litigate these issues will require extensive time and the hiring of expert witnesses to testify regarding fees and costs. Given all the circumstances, staff recommends settlement.

Clerk to the Board Instructions:

Return signed document to the County Attorney.



July 8, 2020

M E M O R A N D U M

TO: Eden Bentley, County Attorney

RE: Item F.32., Settlement of Attorney's Fees and Costs for Brevard County v. B. West Townhouses Et. Al. 05-2013-CA-025677, Parcels 115/731/117/828/706 Tradewinds Plaza, LLC and Meadowbrook, LLC, Barnes Boulevard Widening Project

The Board of County Commissioners, in regular session on July 7, 2020, approved Joint Motion and Stipulated Final Judgment for Attorney's Fees and Costs for Brevard County v. B. West Townhouses Et. Al. 05-2013-CA-025677, parcels 115/731/117/828/706 Tradewinds Plaza, LLC and Meadowbrook, LLC, for Barnes Boulevard Widening Project.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Kimberly Powell, Deputy Clerk

cc: Finance
Budget

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

Copy -
EDEN HAS
ORIGINAL.
F.32

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

Petitioner,

v.

B WEST TOWNHOUSES, LTD., *et al.*

CASE NO: 05-2013-CA-025677

Parcel No(s): 115, 731, 828, 706

Tradewinds and Meadowbrook

Defendants.

STIPULATED FINAL JUDGMENT AS TO ATTORNEY'S FEES AND COSTS

THIS CAUSE having come before the Court upon the Joint Motion for Entry of Stipulated Final Judgment as to Attorneys' Fees set forth below, entered into by Petitioner, Brevard County, Florida and Defendants, Tradewinds Plaza, LLC and Meadowbrook, LLC, and the Court being fully advised in the premises it is therefore,

ORDERED AND ADJUDGED as follows:

1. Defendant does have and recover of and from Petitioner the global sum of **Forty One Thousand One Hundred and No/100 (\$41,100.00)** in full and final payment of any remaining claims in this matter, including without limitation, attorneys' fees and litigation costs.

2. Within twenty (20) days of receipt of an executed copy of this Stipulated Final Judgment, Petitioner shall pay Defendant the sum of **Forty One Thousand One Hundred and No/100 (\$41,100.00)** by payment to the GrayRobinson P.A. Trust Account, and shall forward the payment c/o Michael J. Tomkiewicz, Esq., GrayRobinson, P.A., 301 S Bronough Street, Suite 600, Tallahassee, FL 32301.

3. The Court retains jurisdiction to enforce the terms of this Stipulated Final Judgment.

DONE AND ORDERED in Chambers at Titusville, Brevard County, Florida, this ____ day of July, 2020.

Honorable George T. Paulk
Circuit Judge

Copies furnished to:
All parties of record

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

BREVARD COUNTY, FLORIDA,
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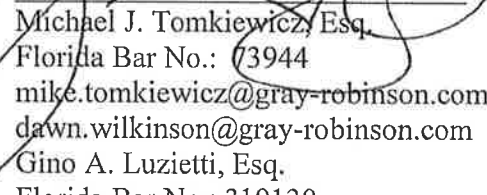
Defendants.

JOINT MOTION

Petitioner, Brevard County, Florida and Defendants, Tradewinds Plaza, LLC and Meadowbrook, LLC, together move for entry of the foregoing Stipulated Final Judgment as to Attorneys' Fees and Costs. The undersigned counsel are authorized to enter into this Joint Motion.

Respectfully submitted this _____ day of July, 2020.

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Telephone: (321) 633-2096
Attorney for Petitioner
Date: _____



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Attorney for Defendants
Date: 6/25/2020