Agenda Item #: 3D-2

PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS AGENDA ITEM SUMMARY

Meeting Date: Department	August 21, 2007	[X] Consent [[] Public Hearing] Regular
•	COUNTY ATTORNEY		
Submitted By:	COUNTY ATTORNEY		
Submitted For:			
	I. <u>EXECU</u>	TIVE BRIEF	
\$597,550, includir styled Palm Beach	ng attorney's fees, but ex <u>County v. Michael Martir</u>	ion to approve: a settlem cluding costs, in the emi n, et al., Case No. 5020050 ant land in Indian Lake Es	nent domain action A006339XXXXMB,
attorney's fees, be Commissioners, for Indian Lake Estate property owner age County previously value. The County taking and would to the owner's expension the amount of this settlement is	ut excluding costs, subjor parcels 7 and 9, which it is subdivision. The expergreed that the land is but deposited \$140,000 as a review appraiser appraises at trial that the valuant appraiser concluded oposed settlement is \$50 to \$97,550, that were call	settlement in the amount of ect to the approval of the are both five (5) acres on the engineers and appraisers ildable and suitable for reliable and suitable for reliable the subject properties that the value of the subject properties that th	e Board of County f vacant land in the sfor the County and esidential use. The sit and estimate of sthrough the date of is \$370,000, while abject properties is and, plus attorney's suant to Florida law.
for parcels 7 and 9 the County's initial updated through appraised at \$430 the subject prope \$370,000 for both higher jury verdict recommended an	was done approximately good faith deposit was be the date of taking, Nove,000. The County hired a parcels. Therefore, in cand substantial additions	aty's initial appraisal in the a cayear before the order of ased upon. The County's wember 9, 2005, and the review appraiser who inde if taking. The review apporter to minimize the Cou al costs and attorney's fee County. The proposed so	taking and was what initial appraisal was subject properties pendently appraised praisal amount was nty's exposure to as, this settlement is
Attachments: 1. Amended Stipu	ulated Final Judgment.		
	A AMERICAN CONTRACTOR OF THE PROPERTY OF THE P	^ -	
Recommended b	y:	molum	7/23/07
	County Attorne	еу [Date
Ammunicad bire	NI/A		

Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:								
Fiscal Years	2007	2008	2009	2010	2011			
Capital Expenditures Operating Costs	<u>457,550</u>							
External Revenues Program Income (County In-Kind Match (County)			-					
NET FISCAL IMPACT	<u>457,550</u>							
# ADDITIONAL FTE POSITIONS (Cumulative	e)							
Is Item Included in Current Budget? Yes X No								
Budget Account No.: Fund 1226 Department 380 Unit E205 Object 6101								
Reporting Category								
B. Recommended Sources of Funds/Summary of Fiscal Impact: NATURAL AREAS FUND Deposit paid: 140,000 Add!1perSettlement: 457,550 597,550								
O. Departmental i isoai iteview.								
III. REVIEW COMMENTS								
A. OFMB Fiscal and/or Contract Development and Control Comments:								
B. Legal Sufficiency:								
Assistant County Attorney								
C. Other Department	Review:							
Department Director								

THIS SUMMARY IS NOT TO BE USED AS A BASIS FOR PAYMENT.

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PALM BEACH COUNTY, a political subdivision of the State of Florida,

CASE NO. 2005 CA 00-6339 AD

BEACH COUNTY, FLORIDA

IN THE CIRCUIT COURT OF THE 15TH JUDICIAL CIRCUIT IN AND FOR PALM

Petitioner.

RECEIVED

PARCELS: 7 and 9

JUL 05 2007

P.B. COUNTY ATTORNEY

MICHAEL MARTIN, et al.

٧.

Respondents.

AMENDED STIPULATED FINAL JUDGMENT

THIS CAUSE having come before the Court upon the Joint Motion set forth below and the Court being fully advised in the premises, it is therefore

ORDERED AND ADJUDGED:

- Respondent, MARY T. PERCIVAL, Individually and as Trustee of the Mary T. Percival Declaration of Trust dated May 3, 1993, shall have and recover from Petitioner, PALM BEACH COUNTY, the sum of \$500,000.00 in full payment for the taking of Parcels 7 and 9, including damages arising therefrom, if any. Respondent shall recover the sum of \$97,550.00 for attorney's fees.
- 2. The Petitioner, having previously deposited the sum of \$140,000.00 into the Registry of the Court, shall, within twenty (20) days of receipt of a certified copy of this Amended Stipulated Final Judgment, and without further order of this Court, issue a check in the amount of \$457,550.00 payable to Jones, Foster, Johnston & Stubbs, P.A., Trust Account and mail said check to H. Adams Weaver, Esquire, Post Office Box 3475, West Palm Beach, Florida, 33402-3475, for appropriate disbursement of the settlement amount and attorney's fees.
- The vesting of title to Petitioner as to Parcels 7 and 9, attached hereto as Exhibit "A", is hereby approved, ratified and confirmed.
 - The Court reserves jurisdiction to tax reasonable costs against Petitioner. 4.

SIGNED & DATED DONE AND ORDERED at Palm Beach County, Florida, this 2007.

HONORAGE Circuit Court

Copies furnished to counse! listed below.

JOINT MOTION

Petitioner, PALM BEACH COUNTY, and Respondent, MARY T. PERCIVAL, Individually and as Trustee of the Mary T. Percival Declaration of Trust dated May 3, 1993, move together for entry of this Amended Stipulated Final Judgment set forth above and state that they are authorized to enter into this Joint Motion.

Agreed this . 7 b day of June, 2007.

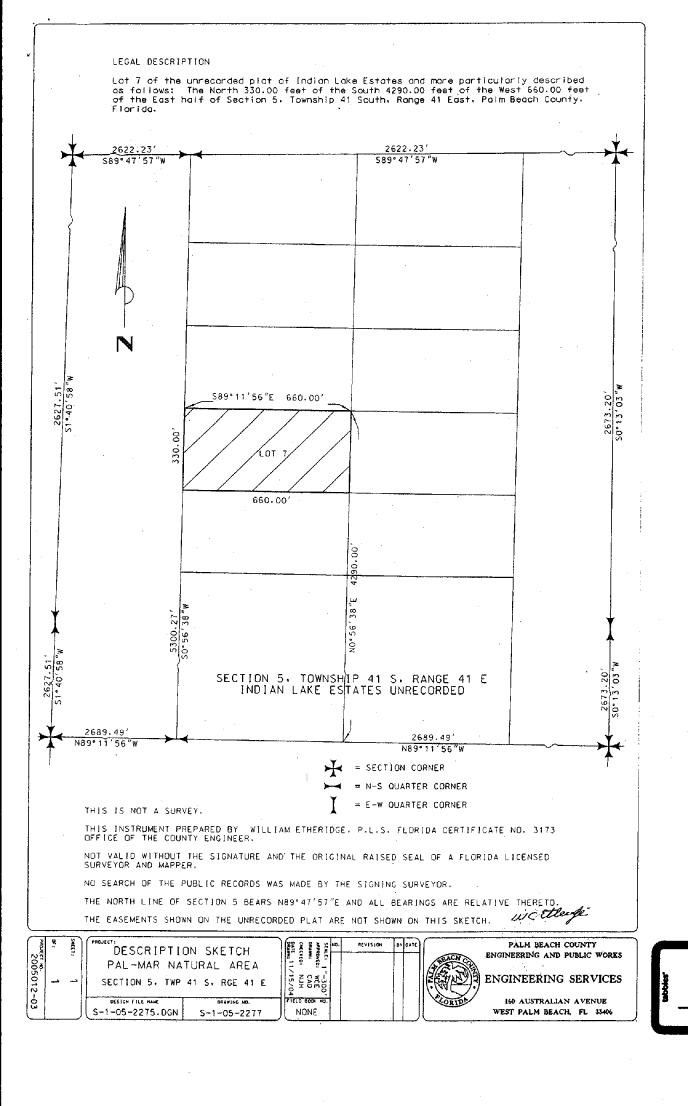
Palm Beach County Attorney's Office Attorney for Petitioner 301 North Olive Avenue, Suite 601 West Palm Beach, Florida 33401 (561) 355-6717

PHILIP MIGAVERO, ESQ. Florida Barino: 93/1179

Jones, Foster, Johnston & Stubbs, P.A. Attorney for Mary T. Percival 505 South Flagler Drive, Suite 1100 West Palm Beach, Florida 33402 (561) 659-3000

H. ADAMS WEAVER, ESQ.

Florida Bar No: 125210



EXHIBIT

