Agenda Item #:

3D-3

# PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS

### **AGENDA ITEM SUMMARY**

Meeting Date: April 19, 2016		[X ] [ ]	Consent Ordinance	[]	Regular Public Hearing
Department:	Risk Managemer	nt			
Submitted By:	County Attorney	's Offic	e		
	<u>l. EX</u>	ECUTIV	/E BRIEF		
Motion and Title: Some release of all claim owned by Jose Gins	s related to the	structura	al property da	mage	d final settlement and caused to the home 3.00
causing him to lose After much negotia	control of the bus ation, Risk Mana reasonable and	and stri gement	ke a home tha and their ac	t is ow ljuster:	d a medical episode med by the claimants. s have arrived at a Palm Beach County.
a Palm Tran bus st contained a large a Claims for these ite	ruck the garage a mount of persona ms as well as em vay and other mise	rea. In I proper ergency cellaned	addition to the ty that was eit y temporary re ous costs have	struc ther da pair, a	cantly damaged when ture itself, the garage amaged or destroyed. auto damage to a car settled in accordance
and damages, and	I the settlement by County adjus	total is ters. Fu	consistent w	vith th	e exposure for liability e structural damage ement eliminates the
Attachments:  1. Release			·		
Recommended by:	Department Dir	Denu rector	in Mung		4/12/2016 Date
Approved By:	Assistant Coun	4 tv Adm	inistrator		 Date

#### **II. FISCAL IMPACT ANALYSIS**

## A. Five Year Summary of Fiscal Impact: Fiscal Years 2016 2017 2018 2019 2020 **Capital Expenditures Operating Costs** \$51,593 **External Revenues** Program Income (County) In-Kind Match (County) **Net Fiscal Impact** \$51,593 # ADDITIONAL FTE **POSITIONS (Cumulative)** 0 0 0 0 0 Is Item Included In Current Budget? Yes X No \_\_\_\_ Budget Account Exp No: Fund 5010 Department 700 Unit 7130 Object 4511 B. Recommended Sources of Funds/Summary of Fiscal Impact: Palm Beach County Self Insured Fund C. Departmental Fiscal Review: **III. REVIEW COMMENTS** A. OFMB Fiscal and/or Contract Dev. and Control Comments: 4/12 4/13 B. Legal Sufficiency: **Attorney** C. Other Department Review: **Department Director**

#### RELEASE OF PROPERTY DAMAGE CLAIMS

The undersigned Jose Ginsberg and Jean W Despagne, for and in consideration of the sum of \$51,593.00 do, for ourselves and our respective heirs, executors, administrators assigns, and all persons or entities entitled to make a claim do hereby completely, forever, and fully release, acquit, and discharge PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS, INC., A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, PALM TRAN, INC., GALLAGHER BASSET SERVICES, its agents, servants, subsidiaries, officers and employees, heirs, executors, administrators, successors and assigns of and from any obligation, liability or responsibility arising out of and all claims and/or cause of action for property damages, loss of property value, which now exist and/or which may accrue on account of, or in any way arising out of that motor vehicle accident involving A BUS WITH the RESIDENCE at or near 3718 N. AUSTRALIAN AVE, WEST PALM BEACH, FL. that occurred on or about MARCH 12, 2015.

It is understood and agreed that this settlement is in compromise of a disputed claim, and that neither this release nor the payment pursuant to this release shall be construed as an admission of liability by PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS, INC., A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, PALM TRAN, INC., GALLAGHER BASSET SERVICES, its agents, servants, subsidiaries, officers and employees, heirs, executors, administrators, successors and assigns. It is understood by the undersigned that the payment received and this release shall be inadmissible in any other proceeding, legal or otherwise, involving the parties to this release and settlement.

The undersigned first party further agrees to satisfy and all liens or subrogated interests which have arisen or may arise as a result of benefits payable to the undersigned for property damage and loss of use sustained as arising out of the above accident and that no other provision of any nature whatsoever has been made for the payment of such liens. The undersigned further agrees to indemnify and hold harmless the released party above from such claims and also agrees to pay such claims out of the proceeds of this settlement.

The undersigned voluntarily accepts the sums offered for the purpose of making a full and final settlement and acknowledges that no promise, inducements, representation or agreement not contained in this document has been made to the undersigned or their representative, that this Release contains the entire agreement between the parties to this Release, and that the terms of this Release are contractual and not a mere recital. The undersigned acknowledges that he/she have/has read this release and understand(s) and agrees to the terms outlined herein.

Each party to this Release is responsible for their own attorneys' fees and costs, if any.

IN THE PRESENCE OF:

Junking Jose Ginsberg

A

WITNESS Jean W Despagne
STATE OF FLORIDA )
COUNTY OF PALM BEACH ) ss.
The foregoing Release of All Claims was acknowledged before me, an officer duly
authorized in the State and County aforesaid, to take acknowledgments, this
12 ,2016, by JEAN DESPAGMONHO: APRIL
is personally known to me; OR
has produced $DL$ . $D212-460-63-049-0$ as identification; and who
did take an oath; OR
[ ] did not take an oath.
and who executed the within Release of Property Damage Claim, and who acknowledged the
within Release of Property Damage Claim to be freely and voluntarily executed for the purposes
therein recited.  [seal]
ROMELITO CHARLES  MY COMMISSION # EE836832  EXPIRES September 19, 2016  (407) 398-0153  Florida Notary Service.com  And For Palm Beach County, Florida  My Commission expires: 09-19-2016

WITNESS DE	Jean W Despagne
STATE OF FLORIDA	
COUNTY OF PALM I	BEACH ) ss.
The foregoing	Release of All Claims was acknowledged before me, an officer duly
authorized in the State	and County aforesaid, to take acknowledgments, this day of
12	_, 2016, by Ginsberg JOSE who:
H i	s personally known to me; OR
	nas produced <u>J200 299 881 470</u> , as identification; and who
Lt o	lid take an oath; OR
	lid not take an oath.
and who executed the	within Release of Property Damage Claim, and who acknowledged the
within Release of Prop	erty Damage Claim to be freely and voluntarily executed for the purposes
therein recited. [seal]	A State of the Park Court of Florida
MY COMM EXPIRES	ITO CHARLES IISSION # EE836832 September 19, 2016 Notary Fablic in and for Palm Beach County, Florida  My Commission expires: 69-19-2016 Notary Service.com