SUMTER COUNTY BOARD OF COMMISSIONERS
EXECUTIVE SUMMARY

SUBJECT: Payment of Statutory Attorneys' Fees and Costs regarding Pre-Suit Mediated Settlement Agreement between Sumter County, Bobby & Carolyn Hunt, and Tom Gunter (CR 468, parcels 102A, 102B and 102C)

REQUESTED ACTION: **Staff recommends approval**

☐ Work Session (Report Only) **DATE OF MEETING:** 5/25/2010
☒ Regular Meeting ☐ Special Meeting

CONTRACT: ☒ N/A Vendor/Entity:
Effective Date: 5/25/2010 Termination Date:
Managing Division / Dept: Support Services/Administration

BUDGET IMPACT: $312,292.05
☐ Annual **FUNDING SOURCE:** Secondary Trust/Purchase of right-of-ways
☒ Capital **EXPENDITURE ACCOUNT:**
☐ N/A

HISTORY/FACTS/ISSUES:
The conditional mediation agreement reached by the parties entails the County paying compensation to the Hunts and Gunter in the amount of $1,705,000.00, including land, improvements, cost to cure, severance damages, claims related to billboards, and any and all other claims related to this matter, but excluding fees and costs. The initial written offer to the Hunts and Gunter on July 2, 2007 was in the amount of $495,000.00 for 3.30 acres (140,263) sf and included 3 billboards owned by Gunter. It is anticipated that the attorney's fees and costs at closing would be settled in accordance with Section 73.092, F.S. Pursuant to Section 73.092, F.S., the attorney's fees would be $312,000.00, which is based on the benefit achieved for the clients. A spreadsheet showing the calculation is attached. Also included is a spreadsheet in the amount of $292.05 showing the attorneys' costs for copies and delivery charges related to the Hunts property in this matter. Gunter has informed us that he does not have any attorneys' costs related to this matter.

The attorneys' fees and costs were reviewed by de la PARTE & GILBERT, P.A. and found to be reasonable and in accordance with Section 73.092, F.S. and recommend the fees be approved prior to the closing date for the property. The attorneys' fees and costs would be paid at the closing.