



Brevard County Board of County Commissioners

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Legislation Text

File #: 5586, **Version:** 1

Subject:

Approval of Attorney Fees - Mid-Reach Beach Restoration Project, Brevard County

Fiscal Impact:

\$8,270.00

Dept/Office:

County Attorney's Office

Requested Action:

The County Attorney's Office requests Board approval to pay attorney's fees of \$8,270.00 in Brevard County v. Altman, et al, Case No. 05-2022-CA-052647 to Mr. Edgar Lopez of Harris, Harris, Bauerle, & Lopez.

Summary Explanation and Background:

Pursuant to Resolution of Necessity 2022-139, the BOCC authorized the County Attorney's Office to file eminent domain proceedings to acquire easements across four parcels of land for the Brevard County Shore Protection Project. The County Attorney's Office filed suit but voluntarily dismissed the case in January 2023 in order to cure certain matters discovered to be present in the Resolution of Necessity and Petition. In accordance with Florida Statute 73.091 and 73.092, the County is required to pay the reasonable attorney fees and costs of the property owner's counsel that the property owner incurred in litigating the dismissed case. One counsel did not seek any attorney's fees. Mr. Edgar Lopez of Harris, Harris, Bauerle, Lopez, who represents two of the property owners, is seeking payment of attorney's fees. To resolve the fees associated with the dismissal, Mr. Lopez has agreed to reduce his current hourly rate and the rate of his paralegal to the rates that the Court awarded in the 2018 eminent domain case for these easements. This has reduced his claimed fees from \$10,612.50 to \$8,270.00. If the Board does not approve this fee request, Mr. Lopez can request the court abate the current eminent domain proceedings until such time as this fee matter is resolved by the court.

Clerk to the Board Instructions:

None.