



Brevard County Board of County Commissioners

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Legislation Text

File #: 1789, **Version:** 1

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.