



Broward County

Legislation Text

File #: 21-447, Version: 1

Broward County Commission Regular Meeting

Director's Name: Andrew J. Meyers

Department: County Attorney

Information

Requested Action

MOTION TO APPROVE settlement agreement in the case of *Broward County v. TLH Sabra 2, LLC, et al.*, Case No. CACE18-009708(05); and to authorize the Mayor and Clerk to execute same.

Why Action is Necessary

Board approval is necessary to resolve this pending lawsuit.

What Action Accomplishes

Settlement of pending litigation.

Is this Action Goal Related

No

Previous Action Taken

Summary Explanation/Background

On February 6, 2018, the Board adopted Resolution No. 2018-042 authorizing the use of eminent domain to acquire property for the countywide public safety communications infrastructure for public safety services. Shortly thereafter, the Office of the County Attorney filed a Petition in Eminent Domain to condemn real property from TLH Sabra 2, LLC ("TLH"), and any other interested parties. The only other potentially interested party was a month-to-month tenant on the Subject Property. The tenant's lease was properly terminated by TLH, and the tenant has since peacefully vacated the Subject Property.

On October 29, 2018, the County entered into a Stipulated Order of Taking with TLH ordering the County to deposit a good faith estimate of value of Thirty-eight Thousand Dollars (\$38,000) into the Registry of the Court and, upon same, transferring the Subject Property (as defined in the Order of Taking) to the County. The County took title to the Subject Property on November 2, 2018. The Stipulated Order of Taking reserved unto TLH and the County all rights to contest full compensation for the Subject Property, including asserting a lesser or greater value of the Subject Property, business and severance damages associated with the condemnation, and a claim for attorneys' fees and costs.

TLH has agreed to settle all claims it might have for full compensation, attorneys' fees, costs (including expert costs), and other expenses for the total payment by the County of Two Hundred

Thirty-seven Thousand Dollars (\$237,000) above the good faith estimate of value already paid to TLH. The proposed settlement agreement with TLH is attached hereto as Exhibit 1.

The Office of Regional Communications and Technology and the Office of the County Attorney recommend approval of this motion.

Source of Additional Information

Adam Katzman, Senior Assistant County Attorney, 954-357-7600

Fiscal Impact

Fiscal Impact/Cost Summary

The source of funds is the County's P25 Project fund.