



# Broward County

## Legislation Text

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File #: 21-572, Version: 1

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### **Broward County Commission Regular Meeting**

**Director's Name:** Andrew J. Meyers

**Department:** County Attorney

### **Information**

#### **Requested Action**

A. MOTION TO APPROVE settlement agreement in the form of Exhibit 1 in the case of *Broward County v. Trio Development Corporation, et al.*, 17th Judicial Circuit, Case No. CACE 20-004236 (14), contingent upon the City of Lighthouse Point approving and executing a mutual release in the form of Exhibit 2 by May 31, 2021; and to authorize the Mayor and Clerk to execute same.

*(Per the Tuesday Agenda Memorandum, the City Commission will now consider the form of the mutual release on April 13 instead of April 9.)*

**ACTION: (T-11:13 AM) Approved.**

**VOTE: 9-0.**

**ACTION: (T-11:14 AM) The Board reconsidered the Consent Agenda to remove Item 80 from the Consent Agenda, as read previously by County Attorney Andrew J. Meyers. (Refer to minutes for full discussion.)**

**VOTE: 9-0.**

B. MOTION TO APPROVE mutual release with the City of Lighthouse Point relating to the Project, as defined below, contingent upon the City of Lighthouse Point approving and executing a mutual release in the form of Exhibit 2 by May 31, 2021; and to authorize the Mayor and Clerk to execute same.

*(Per the Tuesday Agenda Memorandum, the City Commission will now consider the form of the mutual release on April 13 instead of April 9.)*

**ACTION: (T-11:13 AM) Approved.**

**VOTE: 9-0.**

**ACTION: (T-11:14 AM) The Board reconsidered the Consent Agenda to remove Item 80 from the Consent Agenda, as read previously by County Attorney Andrew J. Meyers. (Refer to minutes for full discussion.)**

**VOTE: 9-0.**

### **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**

Trio Development Corporation ("Trio") and the City of Lighthouse Point ("City") entered into a construction contract on or about May 12, 2017 (the "Contract"), to complete repairs to the Sample Road Bridge over the Cap Knight Bayou (the "Project"). On May 25, 2017, during performance on the Project, a support pile was drilled through a County-owned watermain causing extensive damage to the County-owned watermain and the City's property. The support pile was drilled by Florida Foundation Systems, Inc. ("FFS"), pursuant to a subcontract agreement entered into by Trio and FFS. The County's watermain was effectively destroyed and is being replaced by the County.

On January 28, 2020, the Board authorized the Office of the County Attorney to commence litigation against Trio and FFS. Shortly thereafter, the County filed a Complaint against Trio and FFS in the above-named lawsuit ("Lawsuit").

Trio has agreed to pay the County Three Hundred Eighty-seven Thousand Five Hundred Dollars (\$387,500) and FFS has agreed to pay the County One Hundred Twenty-five Thousand Dollars (\$125,000), each in full settlement and with the parties exchanging releases of all claims relating to or arising from the Project. The form of the settlement agreement between Trio, FFS, and the County is attached hereto as Exhibit 1.

As a condition of the settlement between Trio and FFS, the County and the City must release each other from any and all claims related to the Project. The form of the mutual release between the City and the County is attached as Exhibit 2. The City Commission meeting to consider the form of the mutual release is tentatively scheduled for April 9, 2021.

Water and Wastewater Services and the Office of the County Attorney concur with and recommend approval of the settlement agreement and mutual release.

### **Source of Additional Information**

Michael J. Kerr, Deputy Assistant County Attorney, 954-357-7600

### **Fiscal Impact**

#### **Fiscal Impact/Cost Summary**

The County will receive a \$387,500 settlement payment from Trio and a \$125,000 settlement payment from FFS.