



Polk County

Legislation Details (With Text)

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Title: Authorize the County Attorney's Office or outside counsel to stipulate to a final judgment for parcel 102 in the case of Polk County v. Loughman Civic Center, Inc. et al (2021CA-000590-0102-00), an eminent domain lawsuit filed to acquire needed rights-of-way for the CR 54 at CR 547 Intersection project. (\$160,300 one-time expense)

Sponsors:

Indexes:

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Attachments:

Date	Ver.	Action By	Action	Result
9/20/2022	1	Board of County Commissioners	approved	Pass

SUBJECT

Authorize the County Attorney's Office or outside counsel to stipulate to a final judgment for parcel 102 in the case of Polk County v. Loughman Civic Center, Inc. et al (2021CA-000590-0102-00), an eminent domain lawsuit filed to acquire needed rights-of-way for the CR 54 at CR 547 Intersection project. (\$160,300 one-time expense)

DESCRIPTION

The County has a project within the current CIP to improve the intersection of CR 54 (Ronald Reagan Parkway) at CR 547 located in the Northeast portion of the county. To allow for the construction of the roadway improvements, the County needed to acquire additional right-of-way and/or temporary construction easements from adjacent property owners. Polk County's Real Estate Services Administrator was authorized to take steps necessary to acquire those rights-of-way through negotiations and, as needed, through eminent domain lawsuits. Litigation was filed against Loughman Civic Center, Inc. as the fee owner of parcel 102, to acquire a liner strip containing 1,424 square feet required for mainline right of way. The county obtained possession of the parcel through a Stipulated Order of Taking and construction of the intersection project was completed by the county's contractor earlier this year. The payment of full compensation to the owner for the taking of parcel 102 is still outstanding and a mediation and associated jury trial has been set.

The owner retained attorney Joe Ort to represent its interests in this case. Through negotiations a proposed settlement was reached and calls for payment of \$90,000 to the owner for full payment for the taking, site cure of the property and all damages of any nature, and \$77,000 in attorney's fees and expert costs. The County is entitled to a credit in the amount of \$6,700, which was previously deposited into the Registry of the Court pursuant to a court order; therefore, the balance due to the property owner will be \$160,300. The settlement amount will be paid directly to Joseph D Ort, P.L. IOLTA Trust Account for disbursement within 30 days of entry of the stipulated final judgment.

RECOMMENDATION

(1) Authorize County Attorney and outside counsel to stipulate to a Final Judgment with Loughman Civic

Center, Inc. in the total amount of \$167,000; (2) authorize payment of \$160,300 to the Joseph D Ort, P.L. IOLTA Trust Account in full payment for the taking, site cure, all damages of any nature, and all attorney fees and expert costs; and (3) authorize the County Attorney or outside counsel to bring this litigation to a close.

FISCAL IMPACT

The payment of a total of \$160,300 is budgeted in and will be paid from the CR54 at CR 547 Intersection Improvement project.

CONTACT INFORMATION

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