

REVISED October 10, 2017 - Regular Meeting
Agenda Item #18

Approved in Open Session 10/10/17,
Manatee County
Board of County Commissioners

Subject

Mandarin Development, Inc.'s Offer of Judgment to Manatee County- Mandarin Development, Inc. v. Manatee County, Case No. 2015-CA-2563

Briefings

All

Contact and/or Presenter Information

Christopher M. De Carlo, Assistant County Attorney, ext. 3750

Action Requested

Consideration and rejection of Mandarin Development, Inc.'s \$300,000.00 Offer of Judgment to Manatee County in the matter of Mandarin Development, Inc. v. Manatee County; Case No. 2015-CA-2563

Enabling/Regulating Authority

Sections 125.01 and 73.032, Florida Statutes; and Florida Rule of Civil Procedure 1.442

Background Discussion

On June 2, 2015, Mandarin Development, Inc. filed a complaint in the Circuit Court for the Twelfth Judicial Circuit in and for Manatee County, Florida (Case No. 2015-CA-2563) challenging (1) the constitutionality of the County's Comprehensive Plan provision 3.3.1.5 governing wetland buffers, (2) the constitutionality of the County's LDC provision requiring a conservation easement be granted to the County over the over the existing wetlands and associated wetland buffers on the property, and (3) alleging the County exacted a conservation easement over Plaintiff's private property in the Riva Trace residential subdivision.

The liability trial took place in November 2016 and the Court rendered a verdict partially in favor of the Plaintiff and partially in favor of the County. The valuation portion of the trial in this matter is currently set for the week of November 13, 2017, before a 12-person jury.

On September 20, 2017, Plaintiff made a formal written settlement offer to the County -- referred to as an "offer of judgment"-- to settle all pending claims and damages in the case for a payment by the County of \$300,000.00, inclusive of statutory interest, for the taking of the property identified in the Final Judgment entered by the Court on January 24, 2017. The offer does not include plaintiff's claims for attorney's fees and costs to which they are statutorily entitled. If the offer of judgment is not accepted in writing within thirty (30) days of the date the offer is made, it is deemed rejected.

The proposed offer of judgment requires either approval or rejection by the Board of County Commissioners. The County Attorney's Office recommends that the Board reject the proposed offer of judgment by not filing a written acceptance of the offer and allowing the offer to lapse.

County Attorney Review

Other (Requires explanation in field below)

Explanation of Other

This is a County Attorney item.

Reviewing Attorney

DeCarlo

Instructions to Board Records

E-mail an approved copy of this agenda item to:

Christopher M. De Carlo, Assistant County Attorney

christopher.decarlo@mymanatee.org; and

Tracy Hanrahan, County Attorney's Office,

tracy.hanrahan@mymanatee.org

Distributed 10/11/17, RT

Cost and Funds Source Account Number and Name

N/A

Amount and Frequency of Recurring Costs

N/A

Manatee County Government Administrative Center
Commission Chambers, First Floor
9:00 a.m. - October 10, 2017

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Enabling/Regulating Authority

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Background Discussion

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Tracy Hanrahan, County Attorney's Office,
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Cost and Funds Source Account Number and Name

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REPLACED