

MEMORANDUM

March 25, 2014

TO: Honorable Mayor and City Commissioners
FROM: Albert C. Galloway, Jr., City Attorney
VIA: Kenneth Fields, City Manager
SUBJECT: Lake Belle Litigation - Partial Settlement
SYNOPSIS: The approval is for the partial settlement proposal discussed in closed session on March 18, 2014.

RECOMMENDATION

The recommendation is for the City Commission to approve the partial settlement proposal discussed in closed session on March 18, 2014, in accordance with the provisions of §286.011(8), Florida Statutes, which partially resolves the Lake Belle litigation.

BACKGROUND

The action referred to as the Lake Belle litigation is styled Marcia Mudd, et. al., vs. City of Lake Wales. The action concerns flooding on Lake Belle following the Hurricanes of 2004 and the exceptional rainfall in 2005, which precipitated the flooding. The case was filed in 2006 and involved seven (7) different claimants. One of the actions has been resolved by Agreement approved by the Commission on October 15, 2013. The subject partial settlement serves to completely resolve the claims in the Long and Rumsey actions. The remaining actions, Smith, Ahern, Barron and Findley, remain subject to Court ordered Mediation. The partial settlement serves to cap the Plaintiff's attorney's fees as to all actions, subject to reaching a mediated settlement in each of the four remaining actions previously referred to. The terms of the proposed partial settlement are confidential under the Florida Rules of Civil Procedure and cannot be divulged until considered by the City Commission in an open forum.

FISCAL IMPACT

The matter is confidential unless the settlement is approved.

ALTERNATIVES

Continue to actively litigate the matter, which may lead to higher costs and attorney's fees, including the costs and fees of the Plaintiffs' experts and legal counsel.

ATTACHMENT

None