



Agenda Item Summary

File ID: 24-1105

DEPT-4

Meeting Date: 7/9/2024

PLACEMENT: Departmental

TITLE:

REQUEST FOR PRIVATE ATTORNEY-CLIENT SESSION CONCERNING THE CASE OF BE A MAN BUY LAND, LLC V. SOUTH FLORIDA WATER MANAGEMENT DISTRICT, ET AL.; CASE NO. 2023-CA-000052

EXECUTIVE SUMMARY:

The County Attorney desires to meet with the Board of County Commissioners and the County Administrator in a private attorney-client session, in accordance with Section 286.011(8), Florida Statutes, to obtain advice related to settlement negotiations or strategy related to litigation expenditures in the case of Be A Man Buy Land, LLC v. South Florida Water Management District, et al.; Case No. 2023-CA-000052.

DEPARTMENT: County Attorney

PREPARED BY: **Name:** Sarah W. Woods
Title: County Attorney

REQUESTED BY:

PRESET: 12:00 PM

PROCEDURES: None

BACKGROUND/RELATED STRATEGIC GOAL:

Plaintiff Be a Man Buy Land, LLC ("BAM"), filed a lawsuit in the circuit court of Martin County against the County, the South Florida Water Management District, Florida Fish and Wildlife Conservation Commission, and The Board of Trustees of the Internal Improvement Trust Fund of the State of Florida seeking vehicular access to BAM's properties located within Pal-Mar/Palm Beach Heights. The case is before Judge Michael J. McNicholas.

The lawsuit seeks vehicular access to Plaintiff's properties through three (3) easements recorded in the 1960's but never accepted by the County. Plaintiff's complaint alleges (i) inverse condemnation; (ii) injunctions; and (iii) declarations as to the easements and their validity.

On June 23, 2023, the Court granted Plaintiff's emergency motion for preliminary injunction thereby preventing any of the Defendants from restricting vehicular access through one of the alleged easement areas to the east section of Pal-Mar.

A mediation was held on June 20, 2024 with all parties present with settlement negotiations

occurring. The mediation has been continued to a yet to be determined date.

ISSUES:

Issues concerning settlement negotiations and litigation strategy related to litigation expenses will be discussed during the attorney-client session.

LEGAL SUFFICIENCY REVIEW:

This item has been reviewed for legal sufficiency to determine whether it is consistent with applicable law, has identified and addressed legal risks, and has developed strategies for legal defensibility.

RECOMMENDED ACTION:

RECOMMENDATION

Recommend that the Board agrees to meet with Don Donaldson, County Administrator; Sarah W. Woods, County Attorney; Sebastian Poprawski, Senior Assistant County Attorney, in a private attorney-client session for approximately one hour, or less, in accordance with Section 286.011(8), Florida Statutes, for a strategy session regarding litigation expenditures concerning the case of Be A Man Buy Land, LLC v. South Florida Water Management District, et al.; Case No. 2023-CA-000052.

ALTERNATIVE RECOMMENDATIONS

None

FISCAL IMPACT:

RECOMMENDATION

None at this time.

ALTERNATIVE RECOMMENDATIONS

None

DOCUMENT(S) REQUIRING ACTION:

- | | | |
|--|---------------------------------------|---|
| ☐ Budget Transfer / Amendment | ☐ Chair Letter | ☐ Contract / Agreement |
| ☐ Grant / Application | ☐ Notice | ☐ Ordinance |
| ☐ Other: | ☐ Resolution | |

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