

BOARD OF COUNTY COMMISSIONERS

INTER-OFFICE MEMORANDUM

To: Honorable Chairman and Members of the Board of County Commissioners

From: Herbert W. A. Thiele, Esq.
County Attorney

RECEIVED

Date: July 5, 2006

JUL 07 2006

Subject: Extension of Lake Carolyn Homeowner's Association Settlement Agreement with Leon County Public Works

At its June 13, 2006 meeting, the Board directed staff to review the County's Settlement Agreement ("Agreement") with the Lake Carolyn Homeowner's Association (LCHOA) to determine whether an extension of the Agreement was necessary to provide adequate time for the LCHOA to complete the agreed upon stormwater mitigation projects. Our office has reviewed the Agreement and does not believe an extension of the Agreement to be necessary at this time.

One of the five Settlement Agreements entered into by the County to resolve litigation in the Bradfordville area, the Lake Carolyn Homeowner's Association's Settlement Agreement was executed on May 11, 2004. In this Agreement, Leon County agreed to provide up to \$550,000.00 to the Lake Carolyn Homeowner's Association to design and construct improvements for the restoration and stabilization of Lakes Anna, Carolyn and Jeff. Provisions were included establishing the procedures governing the County's disbursement of this money. County staff is currently working with members of the LCHOA to ensure the completion the improvements as set forth in the Agreement.

The Agreement includes very little detail regarding the time frames by which the improvements are to be completed, and does not contain a clause providing for termination or expiration of Agreement. The only term addressing the time for completion of the project appears in paragraph 3 of the Agreement and reads, as follows:

It is anticipated that all work will be completed by LCHOA and that all funds paid by the County will be expended no later than three (3) years from the effective date of this agreement.

The Agreement was executed on May 11, 2004, making the anticipated date of project completion and fund expenditure to be May 11, 2007. Therefore, we recommend that the Board examine the progress of infrastructure construction at a later date and determine the actions necessary to accomplish compliance with the Agreement at that time.

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In the meantime, should you have any questions, please do not hesitate to contact the County Attorney's Office.

HWAT:eal

cc: Parwez Alam, County Administrator ✓
Tony Park, Director, Public Works ✓
Theresa Heiker, Stormwater Management, Public Works