

MEMORANDUM

To: Charles Grawe, Assistant City Administrator
From: Michael G. Dougherty, Esq., City Attorney
Date: July 21, 2016
Re: Litigation
Our File No.: 66-35690

Attached is a Settlement Agreement and Release that has been executed by Palm Realty Inc., Fischer Sand & Aggregate, LLC, and Arcon Land IV, LLC, setting forth the terms of a settlement of the lawsuit involving park dedication fees related to the plats of Cortland Addition(s) and Embry Place.

The Settlement Agreement and Release is presently not public data. This item may be listed on the Consent Agenda for the next council meeting, and the packet may include this memo. The councilmembers should receive the Settlement Agreement and Release ahead of the meeting for their consideration. The document itself may be made available to the public at the meeting, prior to a vote.

Due to the existing litigation, if a councilmember wishes to ask questions or discuss any issue with respect to the litigation or the terms of the Settlement Agreement and Release, it is appropriate to remove the item from the Consent Agenda and move to close session for that purpose. The decision to approve or reject the Settlement Agreement and Release must be made in open meeting.

This agreement stems from discussions between the attorneys for the plaintiffs and the City attorneys and administration. If you have any questions regarding the content hereof or the process for approval, please give me a call.

MGD:djk
Enclosures