

RESOLUTION NO. 2005- 183

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS OF THE FULL AND COMPLETE RELEASE AND SETTLEMENT AGREEMENT AUTHORIZING COMPENSATION TO A PROPERTY OWNER FOR RELOCATION OF THEIR DRIVEWAY FOR THE INTERSECTION IMPROVEMENTS THAT WERE ASSOCIATED WITH THE HOLMES BOULEVARD EXTENSION PROJECT.

RECITALS

WHEREAS, Lamonte D. Flannigan and Susan V. Flannigan's driveway was located at the intersection of Four Mile Road and Kenton Morrison Road prior to construction of Holmes Boulevard Extension. The driveway was used to access three residential units on their three-acre parcel. Due to the intersection improvements for Holmes Boulevard Extension project the driveway had to be relocated; and

WHEREAS, the County approached the Flannigan's before the project began and had agreed to compensate them for the driveway relocation and also intended to acquire an Easement for placement of a guardrail. The Flannigan's hired outside legal counsel and the compensation for acquisition of the Easement and relocation of the driveway could not be agreed upon before the project concluded. The location of the guardrail had to be relocated so the project could be completed on time; and

WHEREAS, the Flannigan's have agreed upon the amount of compensation for the driveway relocation and have executed the Full and Complete Release and Settlement Agreement attached hereto as Exhibit "A", incorporated by reference and made a part hereof; and

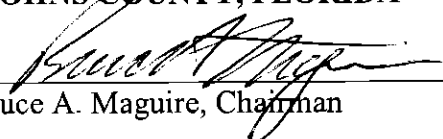
WHEREAS, it is in the best interest of the County to compensate the property owner for the relocation of the driveway to avoid future litigation.

NOW THEREFORE, be it resolved by the Board of County Commissioners of St. Johns County, as follows:

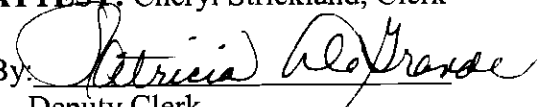
1. The above recitals are incorporated by reference into the body of this Resolution and such recitals are adopted as findings of fact.
2. The Board of County Commissioners of St. Johns County hereby authorizes compensation to Lamonte D. Flannigan and Susan V. Flannigan for relocation of the driveway.
3. The Clerk of Circuit Court is instructed to file the Full and Complete Release and Settlement Agreement in the Public Records of St. Johns County.

PASSED AND ADOPTED this 12th day of July, 2005.

**BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA**

By: 
Bruce A. Maguire, Chairman

ATTEST: Cheryl Strickland, Clerk

By: 
Deputy Clerk

RENDITION DATE 07-15-05



FULL AND COMPLETE RELEASE AND SETTLEMENT AGREEMENT

FOR THE SOLE CONSIDERATION OF THE SUM OF Ten Thousand (\$10,000) Dollars the receipt of which is hereby acknowledged, Lamonte D. Flannigan and Susan V. Flannigan, ("RELEASORS") do hereby **FULLY RELEASE AND DISCHARGE**:

**ST. JOHNS COUNTY
ST. JOHNS COUNTY BOARD OF COUNTY COMMISSIONERS**

and their legal representatives, successors, agents, assigns, servants, and employees, and all other persons, firms and corporations who might be liable ("RELEASEES") of and from any and every claim, demand, or cause of action whatsoever which the undersigned now have, or may hereafter have, against RELEASEES, or any of them, including but not restricted to any and every claim, demand or cause of action for, or on account of, injuries or damages to person or property, or both, loss of time, loss of services, expenses, impairment or loss of any right, attorneys fees, or any other loss, cost or damage of any nature whatsoever, sustained by or accruing to the RELEASORS, together with the RELEASORS' right to assert a claim against or recover from RELEASEES for contribution or indemnity in any action by any party or third party for loss, damage or injury arising out of the occurrence hereafter described whether now known or unknown, resulting from, or in any manner connected with or growing out of the relocation of the Flannigans' driveway and associated work, on property situated at 1675 Four Mile Road, St. Augustine, Florida 32095 (Parcel I.D. 088675-00200) ("the Project").

IT IS AGREED and understood that no promise or agreement not expressed in this Release has been made; this Release is not executed in reliance upon any statement or representation made by RELEASEES, or any of them; or by any person employed by or representing them, or any of them.

The consideration indicated above is the sole and only consideration for this Release and is accepted in full compromise, settlement and satisfaction of any and every such claim, demand or cause of action, including all claims, demands and causes of action for or on account of all injuries, damages and consequences thereof which may hereafter become known, develop or accrue, as well as those already known, developed or accrued. RELEASORS further agree to indemnify, protect, and hold harmless all RELEASEES from any and all tax liabilities to the Internal Revenue Service, if any, arising from this settlement.

IT IS AGREED and understood by the RELEASORS that the terms of this Release are considered to be material contractual terms and not merely recitals and that the consideration described in this Release constitutes the entire agreement between the parties regarding payment of any sums or the giving of any consideration in connection with this matter. This Release is intended to and does hereby bind RELEASORS and each and every one of their representatives, attorneys and assigns from this day forward. Each party shall bear their own attorneys' fees and costs, if any, arising from the actions of its own counsel in connection with the Project or this Release.

THE UNDERSIGNED HAVE READ THE FOREGOING RELEASE AND FULLY UNDERSTAND IT.

EXECUTED this 7th day of JUNE, 2005.

Witnessed by:

John Wastall
Witness

Lamonte D. Flannigan 6/7/05
Lamonte D. Flannigan/Date

Joyce Flannigan
Witness

Witnessed by:

John Wastall
Witness

Susan V. Flannigan 6/2/05
Susan V. Flannigan/Date

Joyce Flannigan
Witness



**GENERAL
LOCATION MAP**



Map Prepared: 6/17/2005
*Depicts General Project Boundary

**Agreement for
Compensation for
driveway relocation**

File: BCC July 12, 2005



St. Johns County
Land Mgmt. Systems
Real Estate