

RESOLUTION NO. 2006- 238

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, PROVISIONS, CONDITIONS, AND REQUIREMENTS OF A SETTLEMENT AGREEMENT AND MUTUAL RELEASE BETWEEN THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AND AMERICAN CONTRACTORS AND DEVELOPERS, INC, IN CONNECTION WITH ST. JOHNS COUNTY CIRCUIT COURT CASE NO. CA-04-626, AND AUTHORIZING THE CHAIRPERSON OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA TO EXECUTE THE SETTLEMENT AGREEMENT AND MUTUAL RELEASE ON BEHALF OF ST. JOHNS COUNTY

WHEREAS, St. Johns County is currently engaged in an on-going breach of contract lawsuit with American Contractors and Developers, Inc.; and

WHEREAS, in order to gather more information on the on-going judicial action, the Board of County Commissioners held a closed door meeting, as provided under State law; and

WHEREAS, based on information provided by Special Counsel for the County during the closed door meeting, the Board of County Commissioners of St. Johns County, Florida directed the Special Counsel to seek settlement of the on-going judicial action; and

WHEREAS, Special Counsel, consistent with the Board of County Commissioners of St. Johns County's directives, presented an offer of settlement to counsel representing American Contractors and Developers, Inc.; and

WHEREAS, as a result of the principal of American Contractors and Developers, Inc. accepting the offer of settlement, counsel for both parties drafted a proposed Settlement Agreement, and Mutual Release, a copy of which is attached and incorporated to this Resolution; and

WHEREAS, Mr. Mickey Roman, principal and authorized representative of American Contractors and Developers, Inc. has already executed the proposed Mutual Settlement Agreement, and Mutual Release; and

WHEREAS, execution by the Chairman of the Board of County Commissioners of St. Johns County, Florida is necessary, prior to submission to the Court, and dismissal of Circuit Court Case No. CA-04-626; and

WHEREAS, the County has reviewed the terms, provisions, conditions, and requirements of the proposed Settlement Agreement and Mutual Release; and

WHEREAS, the County has determined that accepting the terms of the Settlement Agreement and Mutual Release, and executing said Agreement and Release will serve the interests of the County.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AS FOLLOWS:

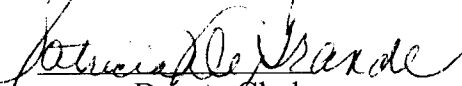
Section 1. The above Recitals are hereby incorporated into the body of this Resolution, and are adopted as Findings of Fact.

Section 2. The Board of County Commissioners hereby approves the terms, provisions, conditions, and requirements of the Settlement Agreement and Mutual Release between the Board of County Commissioners of St. Johns County, Florida (on behalf of St. Johns County, Florida), and American Contractors and Developers, Inc. in connection with St. Johns County Circuit Court Case No. CA-04-626, and authorizes the Chairperson of the Board of County Commissioners of St. Johns County, Florida to execute the Settlement Agreement and Mutual Release on behalf of St. Johns County, Florida.

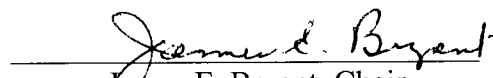
PASSED AND ADOPTED by the Board of County Commissioners of St. Johns County, Florida, this 11<sup>th</sup> day of July, 2006.

BOARD OF COUNTY COMMISSIONERS OF  
ST. JOHNS COUNTY, FLORIDA

Attest: Cheryl Strickland, Clerk

  
Patricia A. Wade  
Deputy Clerk

By:

  
James E. Bryant, Chair

