

**TOWN COUNCIL
SPECIAL EXECUTIVE SESSION
APRIL 4, 2001**

The meeting was called to order at 6:02 p.m. Present were Mayor Venis, Vice-Mayor Paul and Councilmembers Clark, Starkey and Truex. Also present were Town Administrator Willi, Town Attorney Kiar, Counsel Tom Connick and Town Clerk Muniz recording the meeting.

1. Cummings v. Town of Davie Case No. 99-018794 CACE (14)

Mayor Venis announced the individuals that would be attending the session which was scheduled to last approximately one hour.

The meeting recessed at 6:03 p.m. and reconvened at 6:58 p.m.

To settle the litigation, Mr. Connick asked that the motion include:

- full compensation for the taking of a portion of lot one in the amount of \$32,000 exclusive of attorney's fees and costs and the property being defined on a maintenance map with no liens or encumbrances on the property;
- the Town would pay the plaintiff's attorney's fees and costs in the amount of \$15,000;
- the offer would be contingent upon the plaintiffs attaining all minimal variances reasonably necessary for the residential development of lot one from the Town at no cost to the plaintiff within three months after the plaintiff's application including but not limited to lot size, lot width and setbacks and if acceptable, approved by the Town wherein it would become part of a final judgment which would affix the rights of the property owner to the variances that were indicated and if the plaintiffs were not granted all necessary variances within three months, the settlement was voidable by the plaintiffs;
- the Town would reimburse the plaintiffs for any expert witness fees relating to the application for variances not exceeding \$5,000;
- the offer was subject to the plaintiff's approval of the final judgment language and the required time period for the funding; and
- subject to a quit claim deed with no liens or encumbrances.

Vice-Mayor Paul so moved, which was seconded by Councilmember Clark. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Paul - yes; Councilmember Clark - yes; Councilmember Starkey - yes; Councilmember Truex - yes. (Motion carried 5-0)

There being no objections or further business, the meeting was adjourned at 7:09 p.m.

APPROVED _____

Mayor/Councilmember

Town Clerk