

69-111

RESOLUTION APPROVING ATTORNEY'S FEE IN
EMINENT DOMAIN PROCEEDINGS

WHEREAS, Nassau County did join with the State Road Department in that certain Eminent Domain Proceeding entitled State Road Department of Florida and Nassau County, Petitioners, vs. Francis L. Ellis, et al., Defendants, in the Circuit Court of the Fourth Judicial Circuit in and for Nassau County, Florida, Case #68-118, (Section 74530-2901), and

WHEREAS, Thos. J. Shave, Jr., Attorney for the Board of County Commissioners of Nassau County, Florida, was authorized and directed to represent Petitioners in this proceeding, which said proceeding has now been terminated and all work required therein having been completed, and

WHEREAS, the said Thos. J. Shave, Jr., as said Attorney, has submitted his bill for services rendered in handling this proceeding, which bill is in the amount of \$1,343.12, as will appear from his itemized bill submitted by him to this Board, attached to this Resolution, and

WHEREAS, this Board feels that said bill for services rendered by said Attorney is most reasonable and, in fact, appears to this Board to be inadequate for the services rendered in view of the fees allowed by the Court to Attorneys for the Defendants, and

WHEREAS, it is the purpose of this Resolution to approve said bill and recommend its payment by the State Road Department as part of the cost of said proceedings.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA, in regular meeting duly assembled, that the bill for services rendered attached hereto from Thos. J. Shave, Jr., in the amount of \$1,343.12, be, and the same is hereby, approved for payment in all respects.

BE IT FURTHER RESOLVED that the Clerk of this Board mark said bill approved for payment on behalf of this Board and that a copy of said bill, together with a copy of this Resolution duly certified, be immediately forwarded to the State Road Department of Florida, at Tallahassee, Florida.

ADOPTED this 14th day of January, A. D. 1969.



BOARD OF COUNTY COMMISSIONERS OF
NASSAU COUNTY, FLORIDA.

By: Harry Pook
As Its Chairman

ATTEST:

Dooley
Ex-Officio Clerk

Law Offices

Thos. J. Shave, Jr.

Second Floor Jeffreys Bldg.
Fernandina Beach, Florida

January 14, 1969

Nassau County and
The State Road Department
of Florida

IN ACCOUNT WITH

Thos. J. Shave, Jr.
Attorney at Law
Fernandina Beach, Florida

FOR PROFESSIONAL SERVICES RENDERED in Eminent Domain Proceedings for Section 74530-2901, State Roads 200 and A1A, Nassau County, Florida, commonly known as Five Points near Fernandina Beach, Florida, said proceedings being known as State Road Department of Florida and Nassau County, Petitioners, vs. Francis L. Ellis, et al., Defendants, in the Circuit Court of the Fourth Judicial Circuit in and for Nassau County, Florida, Case #68-118:

Reviewing and filing Petition, Notice of Lis Pendens, Summons to Show Cause and Notice of Hearing, Declaration of Taking, and Petitioners' Estimate of Value; obtaining service upon the defendants; deleting Parcel 112.1 from the suit for the reason that deed was obtained after negotiations with the defendants J. L. O'Hagan and Elizabeth O'Hagan, his wife; appearance before the Court for hearing on Order of Taking resulting in the Court signing said Order as of July 25, 1968; review of Answer filed on behalf of Francis L. Ellis and Mary E. Ellis as to Parcel 113.1; review of Answer filed on behalf of R. C. Lovequist and Dorothy C. Lovequist, his wife; preparation and mailing of Notice of Deposit required in Order of Taking; review of Amended

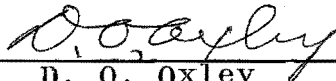
Answer of R. C. Lovequist and Dorothy C. Lovequist, his wife; preparing Motion to set case for trial; attendance upon Court for setting case for trial resulting in the Court entering its Order setting case for trial on January 2, 1969; preparation of case for trial, including a three hour conference with Allan N. Sayford, Appraiser for the State Road Department and Nassau County, whose testimony constituted the principle evidence on behalf of petitioners; research and briefing of law preparatory to trial of case on questions anticipated to arise at the trial; preparing Verdict to be used at trial; actual trial of case before Judge Marion W. Gooding in the Circuit Court Room of the Nassau County Court House at Fernandina Beach, Florida, on January 2nd, commencing at 9:00 o'clock A. M. with Verdict being returned at 7:30 o'clock P. M. on January 2, 1969; obtaining Final Judgment on Jury's Verdict; reviewing Motion to Tax Costs and Attorney's fee filed by Attorney Wayne E. Ripley on behalf of R. C. Lovequist and Dorothy C. Lovequist, his wife; reviewing Motion by John S. Cox, Attorney for Francis L. Ellis and Mary E. Ellis, his wife, for the fixing of Attorney's fee and allowing costs to the defendant; analysis of said Motions and preparation of argument, including telephone conference with Attorney John I. Ruff of the Legal Department of the State Road Department of Florida; argument on Motions to Fix Attorneys' fees and allow costs was had before Judge Marion W. Gooding in Jacksonville, Florida, on January 10, 1969, resulting in the entry of a Supplement to the Final Judgment; analysis of Supplement to Final Judgment and preparation of letter to Mr. John I. Ruff, Attorney for the State Road Department, in regard to the allowance of Attorney's fees and forwarding to him certified copies of Final Judgment and Supplement to Final Judgment, together with bill from Allan N. Sayford for his services in this trial; miscellaneous matters normally arising in the handling of Eminent Domain Proceedings (this original project consisted of some 15 parcels of land, 13 of which were successfully negotiated with and deeds obtained based upon the appraisal of the State Road Department).

Based upon formula established by the Legal Department of the State Road Department for County Attorneys handling Eminent Domain Proceedings, the following calculation is made, to-wit:

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Two parcels actually in condemnation at \$100.00 a parcel	200.00
Less than 10 parcels in suit	300.00
2-1/2 % of Estimate of Value by State's Appraiser (Ellis property, \$3,300.00; Lovequist property, \$425.00)	93.12
Five days including trial, at \$150.00 per day	<u>750.00</u>
	1,343.12

Approved for payment



D. O. Oxley
Ex-Officio Clerk
Board of County Commissioners
Nassau County, Florida