



Agenda Item Summary

File #: 25-00537

Agenda Date: 8/12/2025

Agenda Item Name:

Authorization to settle civil case of Julianna Witte vs. Alachua County #2023-CA-4087

Presenter:

Bob Swain, Deputy County Attorney

Description:

Request for approval of a negotiated settlement of a civil action in the amount of \$300,000 which is above the authority of the County Manager.

Recommended Action:

Approve the settlement with Julianna Witte for \$300,000 and authorize the County Attorney and Risk Management to take such actions as are necessary to bring the matter to a conclusion.

Prior Board Motions:

None

Fiscal Note:

Payment will be from the Self Insurance Fund 501.18.1853.513.45.68

Strategic Guide:

All Other Mandatory and Discretionary Services

Background:

This involves settlement of a lawsuit brought by Julianna Witte against Alachua County. Within the Tomoca Hills Unit 2 subdivision there is a drainage easement clearly identified and dedicated to the public on the plat. The drainage easement is over the property owned by Julianna Witte. In 2019, as part of a maintenance project for the drainage easement in Tomoca Hills, the County removed brush from a drainage easement and started planning to restore the basin. On 9/21/23, Witte filed a suit for declaratory relief, seeking determination by the Court that Alachua County had no right to access or use the easement, and that the County is liable for damages to Witte's property. A settlement of Ms. Witte's lawsuit for the total of \$300,000 has been negotiated. In addition to the monetary amount, there are certain terms regarding replanting of the area surrounding the work to be performed. If approved, Ms. Witte will waive all challenges to the County's right to use the easement in the plan presented and will not seek administrative appeal through any state agency. This matter has been the subject of two shade meetings and was settled in mediation. While the shade meeting transcripts will be public record, those parts which discuss the mediation will continue to be protected under current law.