

Office of Superintendent of Schools
Board Meeting of June 15, 2005

May 31, 2005

Office of School Board Attorney
Johnny Brown, Board Attorney

**SUBJECT: APPROVAL OF SETTLEMENT
CONSTANCE GILBERT and JAMES ROLLE, JR. v. MIAMI-DADE
COUNTY SCHOOL BOARD, Circuit Court Case No. 04-8922-CA-04**

The School Board was served with this lawsuit on April 26, 2004. Plaintiffs are real property owners, who alleged that the school district, for over a decade, unlawfully possessed real property, situated adjacent to Robert Russa Moton Elementary School, and belonging to the Plaintiffs. Plaintiffs sought ejectment of the School Board from the Plaintiffs' property and that the School Board pay damages, along with attorney's fees and costs, for the unlawful use and possession of said property. The School Board is currently still occupying said property.

Pursuant to court ordered mediation, the parties agreed to settle this matter. As part of the settlement, the School Board must pay the Plaintiffs \$35,000 as full and final settlement of all claims. In exchange for payment of the settlement proceeds, the Plaintiffs are required to provide the School Board with clear and unencumbered title to the property in question. A copy of the Settlement Agreement will be forwarded to the Board under separate cover. The Office of the School Board Attorney and administration recommend that the School Board authorize and approve the settlement as being in the best interest of School Board.

RECOMMENDED: That The School Board of Miami-Dade County, Florida, authorize the settlement of the case known as Constance Gilbert and James Rolle, Jr. v. Miami-Dade County School Board, Circuit Court Case No. 04-8922-CA-04, for the sum of \$35,000. The settlement will release the School Board from all claims including damages, attorney's fees and costs, and provide the School Board ownership of the disputed property.

LMG/dlp

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