

SUMMARY EXPLANATION AND BACKGROUND

The New River boundary at New River Middle School has East and West side encroachments [in existence since 2013] consisting of unauthorized docks, piers and moored vessels (as depicted in the photographs attached to this agenda item).

Based upon undisputed unlawful encroachment by the South East and South West property owners contiguous to New River Middle School, Cadre Counsel sought to have the property owners remove the encroaching docks, piers, and/or moored vessels without success.

Also, discussion was held with the property owners regarding purchase of the encroached properties by the South East and South West owners, which did not result in any offers that are within the fair market valuations performed and the recommended parameters for sale. Therefore, it is recommended that the School Board authorize Cadre Counsel to commence litigation against each owner for removal of the undisputed unlawful encroachments.

This process will allow the School Board to achieve the removal of the encroachments, damages and/or preserve the flexibility to consider alternative remedies including sale of the properties subject to the encroachment. Valuation of these properties are approximately \$100,000 each.

Cadre counsel has provided the following Estimate of Phase 1 Actions and Timeline:

Estimate of Phase I Actions

- Filing two separate actions [East Owner Encroachment and West Owner Encroachment]
- Early Limited Discovery
- Early Mediation

Timeline

- From Complaint filing, expect Mediation/Resolution within six to nine months.