



## Pinellas County

315 Court Street, 5th Floor  
Assembly Room  
Clearwater, Florida 33756

### Staff Report

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**File #:** 21-119A

**Agenda Date:** 2/23/2021

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**Subject:**

Proposed settlement in the case of Carlos Quesada and Sabrina Kremin v. Pinellas County, et al.; Circuit Civil Case No. 17-002734-CI – asserting claims of inverse condemnation, trespass and negligence, and seeking a permanent injunction.

**Recommended Action:**

Authorize settlement authority up to \$225,000.00 to settle the case of Carlos Quesada and Sabrina Kremin v. Pinellas County, et al.

**Strategic Plan:**

N/A

**Summary:**

Plaintiffs purchased property located at 4703 Lake Charles Drive North, Kenneth City, in 2016. Plaintiffs purchased the subject property from house flippers who had purchased the property at a foreclosure sale. A County sewer line runs underneath the house and is located outside of the designated easement. The County acquired the line from the developer who was responsible for its placement. Plaintiffs allege sewage leaks from the sewer line, which has resulted in a void under the house, noxious odor, and damage to the subject property. The same property is subject to litigation by the prior homeowners in the case of Palmer v. Pinellas County, et al., Circuit Civil Case No. 15-006423-CI, which is not impacted by this proposed settlement.

The County denies liability but would benefit from the purchase of the property since the clay sewer line is directly underneath a portion of the house, causing access issues for the County. Relocation of the pipe would cost approximately \$228,066.00 to re-route the sewer line and is not recommended by staff.

Plaintiffs have agreed to settle this claim with Pinellas County through the sale of the property to the County for \$220,000.00 and paying all associated closing costs (totaling less than \$5,000.00). This is less than Plaintiffs' appraisal.

It is recommended that settlement authority be granted up to \$225,000.00 to settle the claim, purchase the subject property and pay closing costs. Risk Management and County Administration concur with this recommendation.

**Background Information:**

This matter was previously brought before the board on March 10, 2020, under Legistar item no. 20-264A.

**Fiscal Impact:**

Total amount of claim to be paid by the County is no more than \$225,000.00.

**Staff Member Responsible:**

Jewel White, County Attorney

Christy Pemberton, Managing Assistant County Attorney

Kelly L. Vicari, Senior Assistant County Attorney

Merry Celeste, Division Director, Purchasing and Risk Management, Administrative Services

**Partners:**

N/A

**Attachments:**

N/A



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**File #:** 21-119A, **Version:** 1

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**Subject:**

Proposed settlement in the case of Carlos Quesada and Sabrina Kremin v. Pinellas County, et al.; Circuit Civil Case No. 17-002734-CI.

**Recommended Action:**

Consideration of the proposed settlement in the case of Carlos Quesada and Sabrina Kremin v. Pinellas County, et al.

**Strategic Plan:**

N/A

**Summary:**

The above-referenced case is being brought to the Board of County Commissioners for consideration in accordance with the confidential memorandum of February 23, 2021.

**Background Information:**

This matter was previously brought before the Board on March 10, 2020, under Legistar item no. 20-264A.

**Fiscal Impact:**

Unknown.

**Staff Member Responsible:**

Jewel White, County Attorney

Christy Donovan Pemberton, Managing Assistant County Attorney

Kelly L. Vicari, Senior Assistant County Attorney

Merry Celeste, Division Director, Purchasing and Risk Management, Administrative Services

**Partners:**

N/A

**Attachments:**

N/A