

Bradenton Herald

[Previous Story](#)

[Next Story](#)

Manatee County settlement with developer Carlos Beruff would pay him more than \$312,000

By SARA KENNEDY

skennedy@bradenton.com December 3, 2013

[Facebook](#) [Twitter](#) [Google Plus](#) [Reddit](#) [E-mail](#) [Print](#)



Developer Carlos Beruff may receive the payout because of how impact fees were figured for Gamble Creek Estates development in Parrish. GRANT JEFFERIES/Bradenton Herald file photo

GRANT JEFFERIES — gjefferies@bradenton.com | [Buy Photo](#)





MANATEE -- The Manatee County Commission will consider a settlement agreement Tuesday concerning road impact fee credits that would pay developer Carlos Beruff \$312,219.

The case involves how impact fees were figured for the Gamble Creek Estates development in northeastern Manatee County, according to county records. Impact fees pay for the capital cost of roads.

"The roads impact fee is calculated so that road capacity for new development maintains the same level of service that the county provides for the current population," a consultant's 2011 report states.

In the case the commission will review, Weatherstone Development owned Gamble Creek Estates, and submitted in 2007 to Manatee County officials an as-yet unapproved impact fee credit application, according to county documents.

In its application, Weatherstone requested road impact fee credits worth an estimated \$130,000.

County officials made no formal response to Weatherstone's initial impact fee credit application.

In 2009, Medallion Home at Gamble Creek LLC acquired the property, and Weatherstone assigned to the buyer any future rights to the impact fee credit application, the documents said.

The same year, Medallion Home, led by Beruff, asked for reconsideration of the impact fee. County staff members then determined the road impact fee credit should total \$66,496.

In 2011, the Manatee County Commission denied an administrative appeal for credits made by Weatherstone, the original develop

er, documents said.

The case went to court, which ruled in Beruff's favor, declaring a provision of the Manatee County Land Development Code to be unconstitutional, documents said.

The settlement calls for:

- The county to pay Medallion Home \$312,219, including \$110,824 in attorney's fees, undisputed impact fee credits of \$66,496, \$63,500 in damages, \$63,378 in litigation costs and \$8,021 in interest.
- The county to draft a new Land Development Code section about the issue.
- Once payment is made to Medallion Home, it has 10 days to file a voluntary dismissal and complete release of claims asserted in its lawsuit.
- The parties make no admission of liability or fault.

In documents to be presented to the commission, County Attorney Mickey Palmer wrote he: "believes that this is a beneficial settlement for the county, and recommends its approval by the Board."

Every three to five years, Manatee County contracts with a consultant to review its impact fee schedule and updates its fees based on projected growth patterns and total cost to the county, said information outreach coordinator Nick Azzara.

Palmer declined comment Monday.

Beruff did not return phone calls Monday.

Sara Kennedy, Herald reporter, can be reached at 941-745-7031. Follow her on Twitter @sarawrites.

[Facebook](#)[Twitter](#)[Google Plus](#)[Reddit](#)[E-mail](#)[Print](#)

Join The Conversation

Bradenton Herald is pleased to provide this opportunity to share information, experiences and observations about what's in the news. Some of the comments may be reprinted elsewhere in the site or in the newspaper. We encourage lively, open debate on the issues of the day, and ask that you refrain from profanity, hate speech, personal comments and remarks that are off point. Thank you for taking the time to offer your thoughts.

[Commenting FAQs](#) | [Terms of Service](#)

Today's Circulars



JCPENNEY
2 DAYS LEFT



ACADEMY SPORTS +
EXPIRES TOMORROW



MACY'S
4 DAYS LEFT



SEARS US
2 DAYS LEFT

[View All Circulars](#)

- [Email Newsletters >](#)
- [Manage newsletter subscriptions](#)
- [Tablets >](#)
- [Apps and services for tablet devices](#)
- [Mobile >](#)
- [Apps and services for your mobile phone](#)
- [Social Media >](#)
- [Get updates via Facebook and Twitter](#)
- [e-Edition >](#)
- [Your daily paper delivered to your computer](#)
- [Home Delivery >](#)
- [Manage your home delivery account](#)
- [Digital Subscriptions >](#)
- [Manage your online subscriptions](#)