

RESOLUTION NO. 22-127

A RESOLUTION OF THE CITY OF PANAMA CITY BEACH, FLORIDA, APPROVING AN AGREEMENT WITH MORGENSTERN, PHIFER & MESSINA, P.A., FOR EVALUATION OF EMINENT DOMAIN BUSINESS DAMAGE CLAIMS ARISING FROM LAND ACQUISITIONS FOR THE FRONT BEACH ROAD IMPROVEMENT PROJECTS.

BE IT RESOLVED that the appropriate officers of the City are authorized to execute and deliver on behalf of the City that certain Agreement between the City and Morgenstern, Phifer & Messina, P.A., relating to eminent domain business damage claims arising from land acquisitions for the Front Beach Road Improvement projects, at the hourly rates set forth in the body of the letter **attached** and presented to the Council today, with such changes, insertions or omissions as may be approved by the City Manager and whose execution shall be conclusive evidence of such approval.

THIS RESOLUTION shall be effective immediately upon passage.

PASSED in regular session this 14th day of April, 2022.

CITY OF PANAMA CITY BEACH

By: 
Mark Sheldon, Mayor

ATTEST:


Lynne Fasone, City Clerk

MORGENSTERN PHIFER & MESSINA, P.A.

CERTIFIED PUBLIC ACCOUNTANTS

LLOYD J. MORGENSTERN, C.P.A.
STEPHEN C. PHIFER, C.P.A.
MICHAEL P. MESSINA, C.P.A.
BRIAN K. GRAFF, C.P.A.
JONATHAN L. MILTON, C.P.A.
LISA M. WEINBERGER, C.P.A.
MICHAEL C. MESSINA, C.P.A.

BANK OF AMERICA PLAZA
SUITE 1480
101 EAST KENNEDY BOULEVARD
TAMPA, FLORIDA 33602

TELEPHONE (813) 222-8888
FACSIMILE (813) 222-8895
WWW.MPMPA.COM

MEMBERS
AMERICAN INSTITUTE OF
CERTIFIED PUBLIC ACCOUNTANTS
FLORIDA INSTITUTE OF
CERTIFIED PUBLIC ACCOUNTANTS

March 23, 2022

City of Panama City Beach, Florida
c/o Amy E. Myers, Esquire
Hand Arendall Harrison Sale, LLC
16901 Panama City Beach Parkway, Suite 300
Panama City Beach, Florida 32413

Re: Evaluation of Potential Eminent Domain Business Damage Claims
Front Beach Road Improvement Project

Dear Ms. Myers:

We would be pleased to assist the City of Panama City Beach in evaluating eminent domain business damage claims on the above project. In addition, if requested by the City, we will review invoices and supporting workpapers submitted by business damage experts working on behalf of the affected business owners.

Because we will be submitting regular invoices with the expectation of being paid as the work is performed, we are willing to reduce our fees from the standard hourly rates normally charged on eminent domain matters. As a result, our fees for evaluating business damages will be based on our standard hourly rates reduced by \$25 per hour, as follows:

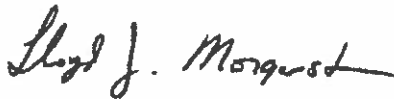
	<u>Standard Hourly Rates</u>	<u>Applicable Hourly Rates</u>
Mr. Morgenstern	\$390	\$365
Mr. Phifer	\$370	\$345
Other Certified Public Accountants	\$225 to \$330	\$200 to \$305

Our hourly rates may be adjusted annually in our billings based on normal increases in our rates charged to all clients. The above rates will be in effect until December 31, 2022. We will submit detailed bills to you on a regular basis, which will be based on these reduced hourly rates plus out-of-pocket expenses. It is our intention to structure our work so the appropriate levels of personnel from our staff are assigned to the various tasks in order to keep fees at a minimum.

Amy E. Myers, Esquire
March 23, 2022
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If the terms of this agreement are satisfactory to you, please sign and date below and mail one copy to us. If the need for additional services arises, our agreement with you will need to be revised.

Respectfully,



Lloyd J. Morgenstern, C.P.A.

APPROVED:

City of Panama City Beach, Florida

By: 
Drew Whitman, City Manager

Date: 4-15-22

cc: A. J. Spalla, Esquire