

IN THE CIRCUIT COURT FOR SUMTER COUNTY, FLORIDA

SUMTER COUNTY, FLORIDA,)	
)	CASE NO. 2009 CA 000467
Petitioner,)	
vs.)	PARCEL: 112
)	
TURKEY RUN 2, LLC, a Florida limited)	
liability company, et al.,)	
)	
Respondents.)	
_____)	

**STIPULATED FINAL JUDGMENT
CONCERNING PARCEL 112**

THIS CAUSE came to be considered pursuant to the attached Joint Motion to Enter Stipulated Final Judgment Concerning Parcel 112, filed by Petitioner Sumter County (the "County") and Respondents Gynelle Rast, Ellen Kay Wilson, and James David Rast ("Respondents"). Upon reviewing the motion and the file, and being otherwise fully advised in the premises, the Court

ORDERED AND ADJUDGED:

1. The parties have reached a settlement of disputed claims, and their attached Joint Motion to Enter Stipulated Final Judgment Concerning Parcel 112 is hereby **GRANTED**.
2. On or about May 27, 2009, the County filed its petition for the purpose of acquiring Parcel 112 through eminent domain action. In accordance with the Court's August 10, 2009 Stipulated Order of Taking Concerning Parcel 112, the County timely deposited \$58,950.00 in the court registry concerning Parcel 112 on or about August 21, 2009.
3. Within 30 days from the date of receipt of this judgment, the County shall deposit the amount of \$54,050.00 into the court registry (which amount is in addition to the \$58,950.00 previously deposited), in full and complete settlement and satisfaction of any and all claims

concerning Parcel 112, including but not limited to land and improvements taken, severance damages, business or special damages, and subject to any claims for apportionment.

4. The County agrees to construct the improvements within Parcel 112 in substantial compliance with the construction plans attached hereto as Exhibit "A."

5. The Respondents agree to transfer any and all right they may have in the property located east of Parcel 112, as described in the County Road 139 Maintained Right of Way Map filed with the Clerk of Court on January 5, 2010 in Map Book 4, Pages 112-116, by execution and delivery of the quitclaim deed attached hereto as Exhibit "B."

6. Within 30 days from the date of this judgment, the County shall also pay the total amount of \$17,836.50 in full and complete satisfaction of any and all reasonable monetary and non-monetary attorney's fees concerning Parcel 112, exclusive of any claims for (a) attorney's costs and (b) attorney's fees and costs resulting from any disputed supplemental proceedings. This amount shall be payable to Thomas P. Callan, P.A., c/o Thomas P. Callan, Esquire, 921 Bradshaw Terrace, Orlando, Florida 32806.

7. Upon depositing and paying the foregoing amounts, the County shall be deemed to own a fee simple right of way in Parcel 112, and shall have fully and completely satisfied any and all pending claims in this case concerning Parcel 112, including but not limited to the order of taking, full compensation, land and improvements taken, severance damages, business and special damages, any other type of damages recoverable in eminent domain, interest, the value of any liens, leases, encumbrances, options, or contracts, all pending motions, and apportionment claims, but exclusive of expert fees and costs.

8. Any withdrawal and/or apportionment of funds deposited in the court registry concerning Parcel 112 shall be done in accordance with Sections 73.101 and 73.141, Florida Statutes.

9. The Court reserves jurisdiction to determine (a) any and all attorney's costs, (b) expert fees and costs, (c) attorney's fees and costs resulting from any disputed supplemental proceedings, and (d) any requests to withdraw and/or apportion funds.

DONE AND ORDERED, this _____ day of _____, 20____, in chambers in Bushnell, Sumter County, Florida.

Circuit Judge

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing has been furnished to each of the following named addresses by [] regular U.S. Mail and/or [] facsimile or [] hand delivery on this _____ day of _____, 20__.

Vivian Arenas-Battles, Esquire
de la Parte & Gilbert, P.A.
Post Office Box 2350
Tampa, Florida 33601-2350
(Attorney for Sumter County)

Thomas P. Callan, Esquire
G. Robertson Dilg, Esquire
Timothy A. Dix, Esquire
Thomas P. Callan, P.A.
921 Bradshaw Terrace
Orlando, FL 32806
(Attorneys for Respondents)

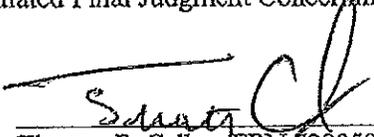
Felix M. Adams, Esquire
138 Bushnell Plaza, Suite 201
Bushnell, FL 33513
(Attorney for Tom Swain, Sumter County Tax Collector)

Judicial Assistant

**JOINT MOTION TO ENTER STIPULATED
FINAL JUDGMENT CONCERNING PARCEL 112**

Petitioner Sumter County, Florida and Respondents Gynelle Rast, Ellen Kay Wilson, and James David Rast ("Respondents"), by and through their undersigned attorneys, hereby stipulate to, and move the Court to enter, the foregoing Stipulated Final Judgment Concerning Parcel 112.

Vivian Arenas-Battles, FBN 606261
David M. Caldevilla, FBN 654248
de la Parte & Gilbert, P.A.
Post Office Box 2350
Tampa, Florida 33601-2350
Telephone: (813)229-2775
COUNSEL FOR SUMTER COUNTY



Thomas P. Callan, FBN 729050
G. Robertson Dilg, FBN 362281
Timothy A. Dix, FBN 647659
Thomas P. Callan, P.A.
921 Bradshaw Terrace
Orlando, Florida 32806
Telephone (407) 426-9141
COUNSEL FOR RESPONDENTS

Date: _____

Date: 4-24-10

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing has been furnished to each of the following named addresses by [] regular U.S. Mail and/or [] facsimile or [] hand delivery on this _____ day of _____, 20_____.

Thomas P. Callan, FBN 729050
G. Robertson Dilg, FBN 362281
Timothy A. Dix, FBN 647659
Thomas P. Callan, P.A.
921 Bradshaw Terrace
Orlando, Florida 32806
(Attorney for Respondents)

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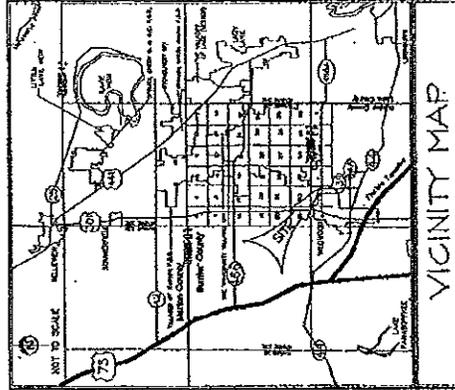
Vivian Arenas-Battles

206162v1

C.R. 139 PHASE 1 SEGMENTS A, B & C IMPROVEMENT PLANS SUMTER COUNTY, FL

SECTIONS 4, 5, 8 + 9
TOWNSHIP 19 SOUTH RANGE 23 EAST
SUMTER COUNTY, FLORIDA
THIS DEVELOPMENT CONTAINS
A TOTAL OF 178 MILES OF ROAD

POSTED SPEED 25 MPH.
DESIGN SPEED 45 MPH.



ENGINEER/ARCHITECT
PARTNER BANKS AND ASSOCIATES, INC.
1400 N. WEST PALM BLVD.
WALTON, FL 32093
ROBERT PATNER, PRESIDENT

SUMTER COUNTY BOARD OF COMMISSIONERS
200 NORTH FLORIDA STREET
BURNELL, FL 32009

NO.	DESCRIPTION	DATE
1	PRELIMINARY PLAN	11/10/09
2	FINAL PLAN	11/10/09
3	CONSTRUCTION PERMITS	11/10/09
4	CONSTRUCTION	11/10/09
5	COMPLETION	11/10/09

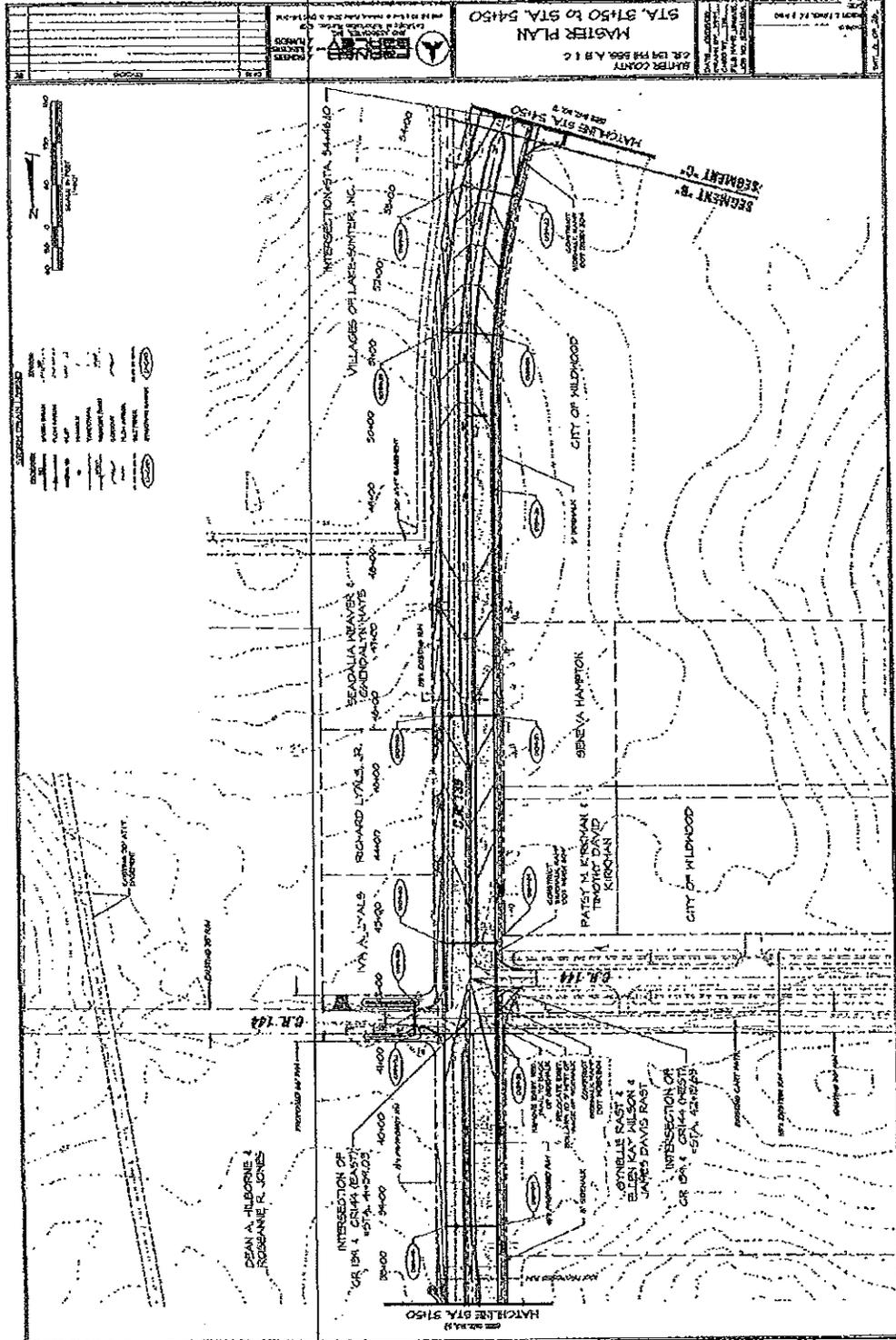
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- 2. AERIAL PHOTOGRAPH
- 3. MASTER DEVELOPMENT PLAN / KEY SHEET
- 4. MASTER PLAN (STA. 0+00 TO 3+00)
- 5. MASTER PLAN (STA. 3+00 TO 5+00)
- 6. MASTER PLAN (STA. 5+00 TO 6+00)
- 7. MASTER PLAN (STA. 6+00 TO 7+00)
- 8. MASTER PLAN (STA. 7+00 TO 8+00)
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- 11. GR B1 PLAN & PROFILE (STA. 10+00 TO 20+00)
- 12. GR B1 PLAN & PROFILE (STA. 20+00 TO 30+00)
- 13. GR B1 PLAN & PROFILE (STA. 30+00 TO 40+00)
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- 15. GR B1 PLAN & PROFILE (STA. 50+00 TO 60+00)
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- 26. C 44-A PLAN & PROFILE (STA. 70+00 TO 80+00)
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- 29. ROADWAY CROSS-SECTION SHEET
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- 1 - 10 MILLERBANK PARK ENTRANCE MODIFICATIONS
- NOTES
- 1. ALL DIMENSIONS SHOWN WERE OBTAINED BY FIELD SURVEY AND ARE BASED ON THE VILLAGE CENTER AND ADJACENT AREAS. ALL DIMENSIONS TO CENTER LINE UNLESS NOTED OTHERWISE SHALL BE IN FEET.
- 2. ALL DIMENSIONS TO CENTER LINE UNLESS NOTED OTHERWISE SHALL BE IN FEET.
- 3. THE 2000 ROAD AND BRIDGE SPECIFICATION MANUAL SHALL BE USED FOR ALL DIMENSIONS UNLESS NOTED OTHERWISE.
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APR 09 2010



APR 6 2010

RIGHT-OF-WAY SURVEY
SHOWING COUNTY ROADS 138, 462 AND 466A
SECTIONS 4, 5, 8 AND 9, TOWNSHIP 19 SOUTH, RANGE 23 EAST
SUMTER COUNTY, FLORIDA



SOUTH 1/2 OF THE SW 1/4
 SECTION 4--19--23

PARCEL 101 - 0.3000 ACRES
 PARENT TRACT REMAINDER - ELSTON ACRES
 PARCEL NO. 001-011
 OWNER NAME: BOON A. NEARNS & JOSEPH E. JONES
 O.G.R. 452, PAGE 138

SOUTH 1/2 OF THE SE 1/4
 SECTION 5--19--23

PARCEL 102 - 0.3000 ACRES
 PARENT TRACT REMAINDER - ELSTON ACRES
 PARCEL NO. 001-012
 OWNER NAME: BOON A. NEARNS & JOSEPH E. JONES
 O.G.R. 452, PAGE 138

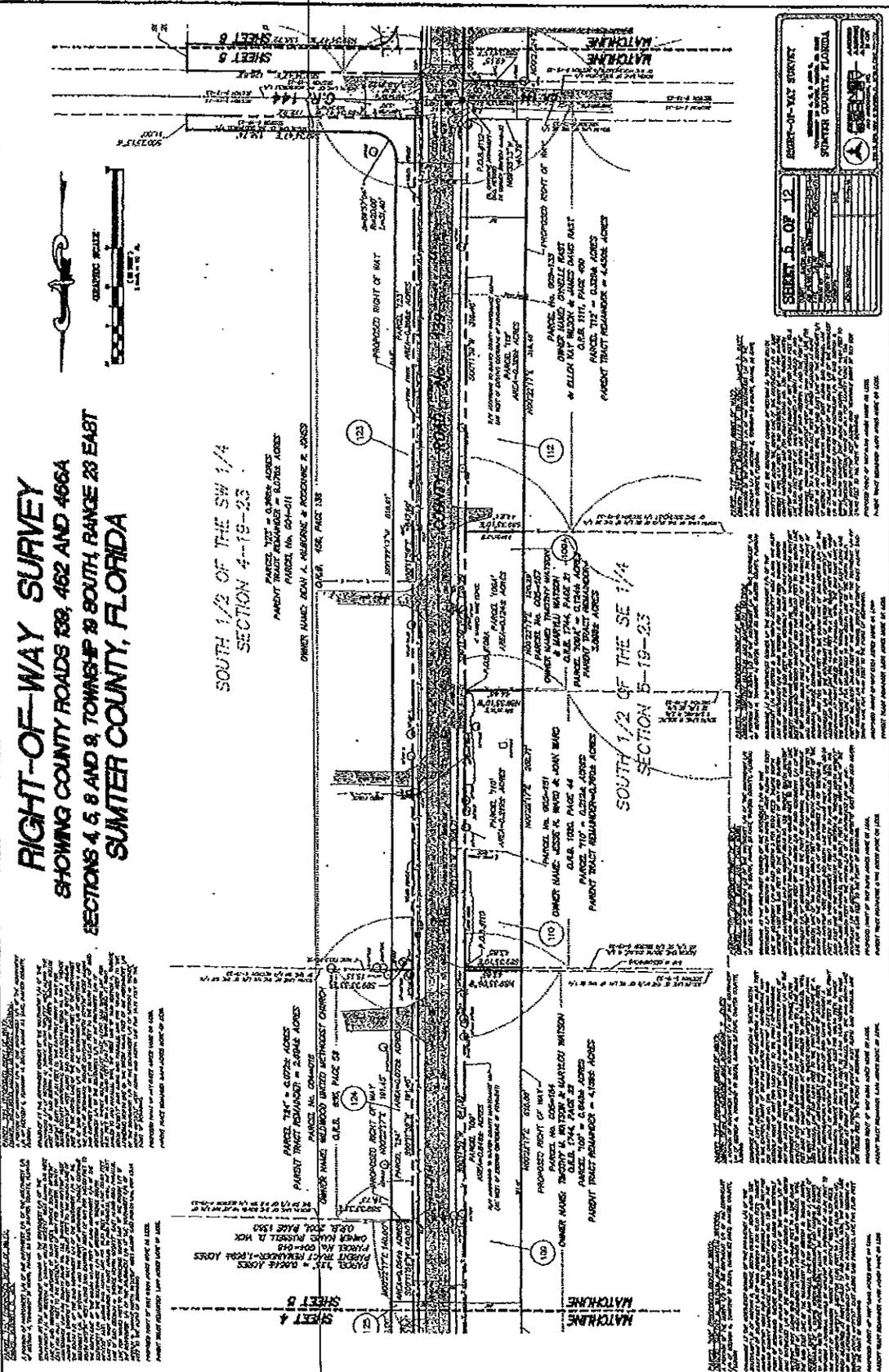
PARCEL 103 - 0.3000 ACRES
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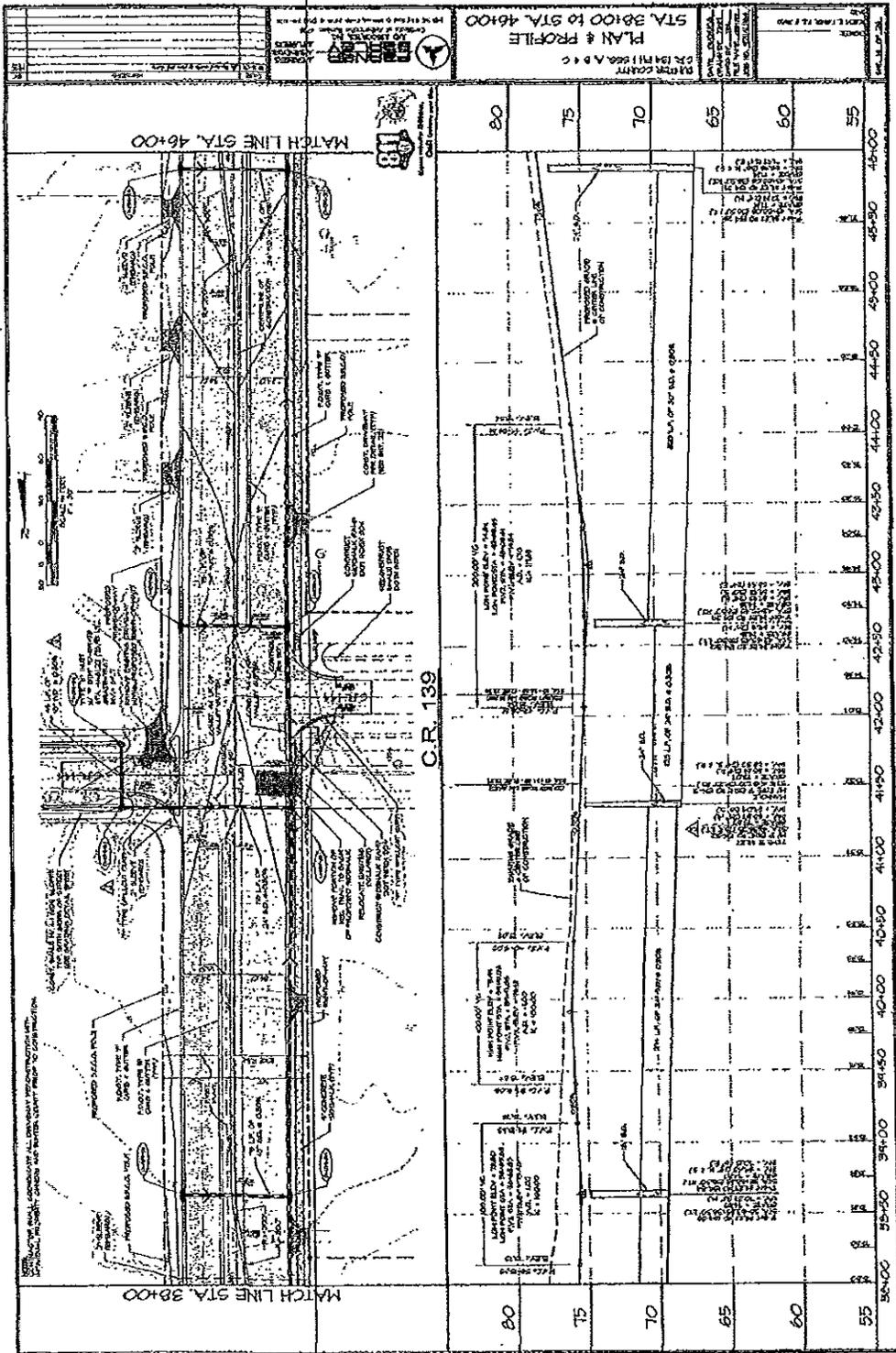
PARCEL 104 - 0.3000 ACRES
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 O.G.R. 452, PAGE 138

SHEET 5 OF 12

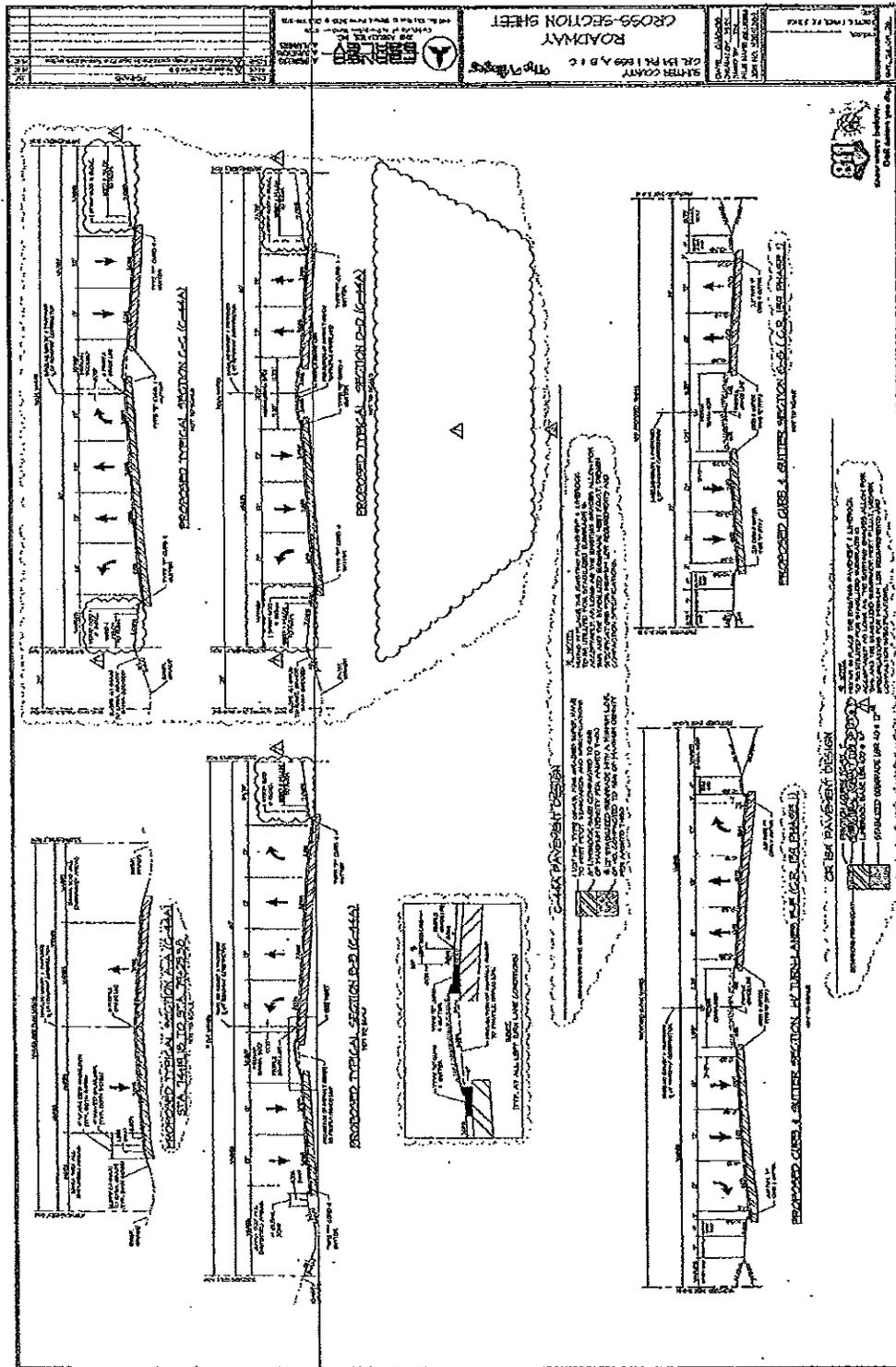
RIGHT-OF-WAY SURVEY
 SHOWING COUNTY ROADS 138, 462 AND 466A
 SECTIONS 4, 5, 8 AND 9, TOWNSHIP 19 SOUTH, RANGE 23 EAST
 SUMTER COUNTY, FLORIDA

DATE: 10/15/2010
 TIME: 10:00 AM
 BY: [Signature]
 FOR: [Signature]

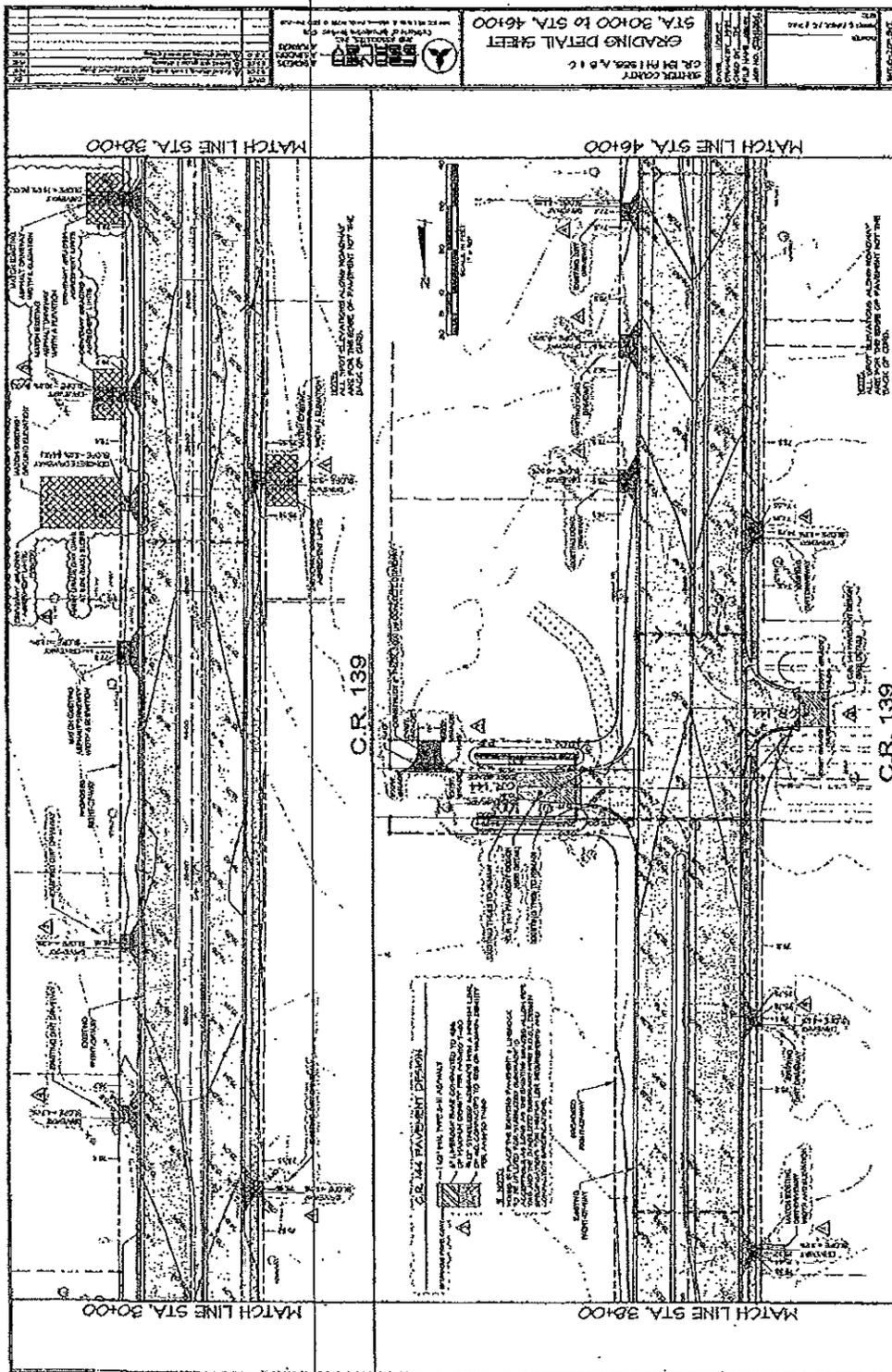




APR 09 2000



APR 09 2010



APR 09 2010

This instrument prepared by:

Vivian Arenas-Battles
de la Parte & Gilbert, P.A.
101 E. Kennedy Blvd, Suite 2000
Tampa, FL 33602

QUIT-CLAIM DEED

THIS QUIT-CLAIM DEED is executed this 27th day of April, 2010
by Gynelle Rast, whose address is Box 265 Wichee Rd FL, Ellen Kay Wilson,
 whose address is 306 LEPPER SACK RD, CARY NC and James David Rast, whose
 address is 4967 RAINBOW TROUT RD, FAYES FL ("Grantors"), to Sumter County, Florida
("Grantee") (wherever used herein the terms "grantor" and "grantee" include all the parties to this
instrument and the heirs, legal representatives and assigns of individuals and the successors, and
assigns of organizations).

WITNESSETH:

WHEREAS, the Grantors represent that they are the fee owners of the real property located
in Sumter County, Florida described as:

The South 1/2 of the Southeast 1/4 of the Southeast 1/4 of the Southeast 1/4 of Section 5,
Township 19 South, Range 23 East, Sumter County, Florida.

LESS the South fifteen (15) feet thereof.

AND LESS Parcel 112 (Fee Simple Right-of-Way) being a portion of the Southeast
1/4 of the Southeast 1/4 of the Southeast 1/4 of Section 5, Township 19 South, Range
23 East, Sumter County, Florida described as follows:

Commence at the Southeast corner of Section 5; thence South 89°35'13" West along
the South line of the Southeast 1/4 of said Section 5 for 4.17 feet to the Westerly
right of way per Sumter County maintenance map for County Road No. 139; thence
North 00°11'59" East along said Westerly right of way for 15.00 feet to a line 15.00
feet North of, when measured at right angles to and parallel with, the South line of
said Section 5 and the point of beginning; thence North 89°35'13" West along said
parallel line for 45.79 feet to a line 50.00 feet West of, when measured at right angles
to and parallel with, the said East line of the Southeast 1/4 of Section 5; thence North
00°22'17" East along said parallel line for 316.46 feet to the North line of the South
1/2 of the Southeast 1/4 of the Southeast 1/4 of the Southeast 1/4 of said Section 5;

thence South 89°35'10" East along said North line for 44.84 feet to the aforesaid Westerly right of way for County Road No. 139; thence South 00°11'59" West along said Westerly right of way for 316.46 feet to the point of beginning.

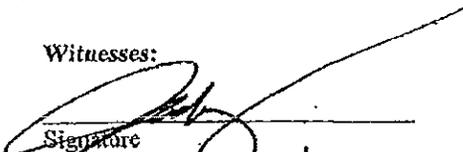
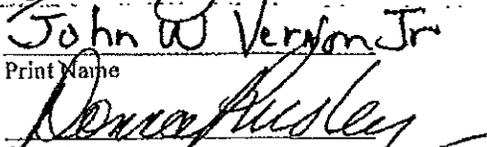
NOW THEREFORE, in consideration of \$10.00 and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Grantors do hereby remise, release and quit-claim unto the said grantee forever all the right, title, interest, claim and demand which the Grantors have in and to the following described property:

That portion of the South ½ of the Southeast ¼ of the Southeast ¼ of the Southeast ¼ of Section 5, Township 19 South, Range 23 East, Sumter County, Florida that lies between the East line of Parcel 112 and the East line of Section 5, Township 19 South, Range 23 East, Sumter County, Florida.

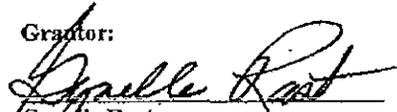
TO HAVE AND TO HOLD the same together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of the said Grantors, either in law or equity, to the only proper use, benefit and behoof of the said Grantee forever.

IN WITNESS WHEREOF, the said Grantors have signed and sealed these presents the day and year first above written.

Witnesses:


Signature
John W. Vernon Jr.
Print Name

Signature
Donna Parshy
Print Name

Grantor:


Gynelle Rast

STATE OF FLORIDA
COUNTY OF SUMTER

The foregoing instrument was acknowledged before me this 27th day of April, 2010, by Gynelle Rast, who is personally known to me or who has produced Gynelle Rast as identification.



[Signature]
Notary Public

Witnesses:

[Signature]
Signature

Rob Townsend
Print Name

[Signature]
Signature

Gregory Jolley
Print Name

Grantor:

[Signature]
Ellen Kay Wilson

~~STATE OF FLORIDA~~ North Carolina
~~COUNTY OF SUMTER~~ Wake

The foregoing instrument was acknowledged before me this 27th day of April, 2010, by Ellen Kay Wilson, who is personally known to me or who has produced NCOL as identification.



[Signature]
Notary Public
Commission expires
Apr. 5th, 2011

Witnesses:

[Signature]
Signature
John W. Vernon Jr
Print Name

[Signature]
Signature
Donna Purstey
Print Name

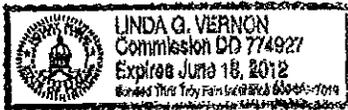
Grantor:

[Signature]
James David Rast

STATE OF FLORIDA
COUNTY OF SUMTER

The foregoing instrument was acknowledged before me this 28th day of April, 2010, by James David Rast, who is personally known to me or who has produced [Signature] as identification.

[Signature]
Notary Public



206192v2