

IN THE CIRCUIT COURT OF THE
SECOND JUDICIAL CIRCUIT, IN AND
FOR LEON COUNTY, FLORIDA

LEON COUNTY, FLORIDA, a charter county
and a political subdivision of the State of Florida,

Petitioner,

Case No.: 2016 CA 000568

vs.

Parcel No. 103

TANGLEWOOD APARTMENTS OF
TALLAHASSEE, LLC, a Florida Limited Liability
Company; et al.,

Defendants.

**STIPULATED ORDER OF TAKING BY JOINT MOTION OF PETITIONER
AND DEFENDANTS, TANGLEWOOD APARTMENTS OF TALLAHASSEE, LLC,
AND EMBARQ FLORIDA, INC.
(Parcel 103)**

THIS CAUSE having come on upon the Petitioner's Declaration of Taking filed herein and the Joint Motion for the entry of a Stipulated Order of Taking made by Petitioner, LEON COUNTY, FLORIDA, and Defendant, TANGLEWOOD APARTMENTS OF TALLAHASSEE, LLC, set forth herein below; and it appearing to the Court that notice of this Court's hearing on May 12, 2016, to consider Petitioner's request for an Order of Taking was properly given to said Defendant, and that there are no other known persons or entities having or claiming any equity, lien, title, or other interest in or to the real property identified in the Petition in Eminent Domain as Parcel 103, and as further described in Exhibit "A" attached hereto and incorporated herein by reference (hereinafter the "Subject Property"), whose interests are not addressed by this Stipulated Order, and that all parties hereto have been given the opportunity to be heard as to all issues herein including the Declaration of Taking, the jurisdiction of the Court, the sufficiency of the pleadings, the amount to be deposited for the property and interests sought to be

appropriated, and whether the Petitioner is properly exercising the authority delegated to it; and it further appearing to the Court that there are no other Defendants in this action who will require an appearance before this Court at the Order of Taking hearing, and that the Petitioner and said Defendant were authorized to enter into this Joint Motion; and the Court being otherwise fully advised in the premises, it is now, therefore,

ORDERED AND ADJUDGED

1. That Defendant, TANGLEWOOD APARTMENTS OF TALLAHASSEE, LLC (hereinafter "TANGLEWOOD APARTMENTS"), by virtue of its fee simple interest, is the owner of the Subject Property herein.

2. That Defendant, LEON COUNTY TAX COLLECTOR (hereinafter the "TAX COLLECTOR"), has an interest in the Subject Property as a tax lienor by virtue of any ad valorem and non-ad valorem taxes that may be due and owing on the Subject Property.

3. That Defendant, EMBARQ FLORIDA, INC. d/b/a CenturyLink and f/n/a Southeastern Telephone Company (hereinafter "EMBARQ"), may have an interest in the Subject Property by virtue of that certain Easement recorded in Official Records Book 630 at Page 293 of the Public Records of Leon County, Florida.

4. That Defendant, FEDERAL NATIONAL MORTGAGE ASSOCIATION a/k/a Fannie Mae (hereinafter "FANNIE MAE") may have a lienholder's interest in the Subject Property by virtue of that Multifamily Mortgage, Assignment of Leases and Rents, Security Agreement and Fixture Filing recorded in Official Records Book 4719 at Page 845 of the Public Records of Leon County, Florida, pursuant to that Assignment of Mortgage recorded in Official Records Book 4719 at Page 867 of the Public Records of Leon County, Florida.

5. That the Court has jurisdiction of this action, of the Subject Property, and of the parties hereto pursuant to Chapters 73 and 74 of the Florida Statutes.

6. That the pleadings in this cause are sufficient as to the Subject Property, that Petitioner is properly exercising its delegated authority, and that the condemnation of the Subject Property is for a valid public purpose and is necessary for that purpose.

7. That the Declaration of Taking and estimate of full compensation for the interests in the Subject Property sought to be appropriated have been considered, and the Court finds and determines that the sum of \$117,500.00 will presently secure the parties lawfully entitled to compensation for said interests in the Subject Property, which will ultimately be determined by Final Judgment of this Court.

8. That the joint motion for entry of this Order of Taking is approved, and the Order of Taking is incorporated herein by reference, and it is further

ORDERED AND ADJUDGED

9. That, no later than twenty (20) days from the date of this Stipulated Order of Taking, Petitioner shall deposit the sum of ONE HUNDRED SEVENTEEN THOUSAND FIVE HUNDRED and NO/100 DOLLARS (\$117,500.00) into the Court Registry. Upon the making of said deposit, fee simple title to the Subject Property as set forth in Exhibit "A" shall be vested in the Petitioner, and such title and interests in the Subject Property shall be deemed to be condemned and taken for the use of the Petitioner, and the right to full compensation for the same shall be vested in the persons lawfully entitled thereunto, such compensation to be ascertained and awarded in this cause as established by Final Judgment entered herein by stipulation or after trial by jury, if necessary.

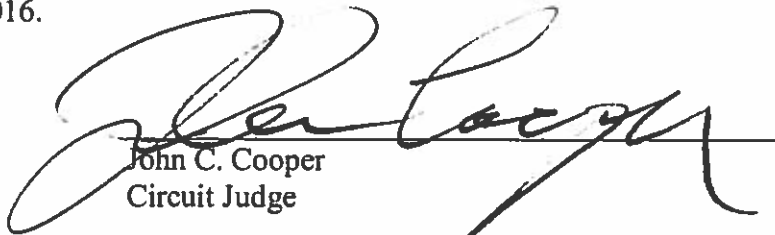
10. That upon deposit of the sum in the Court Registry as set forth above, and without further notice or Order of this Court, the Petitioner shall be entitled to possession of the Subject Property, and shall be entitled to remove all fixtures and personal property located on the Subject Property, if any.

11. That Defendants TANGLEWOOD APARTMENTS, TAX COLLECTOR, EMBARQ and FANNIE MAE may have competing interests in the \$117,500.00 deposited into the Court Registry and, therefore, said sum shall remain in the Court Registry pending further Court Order for disbursement thereof.

12. That Defendants, when applicable, shall furnish the Petitioner with a disclosure affidavit as required by Section 286.23, *Florida Statutes*. Such affidavit, if applicable, shall be furnished to the Petitioner before any withdrawal of funds from the Court Registry can be made.

13. That the Clerk of the Circuit Court shall record this Stipulated Order of Taking in the official records of Leon County.

DONE and ORDERED in Chambers at Tallahassee, Leon County, Florida, this 12 day of May, 2016. # 1

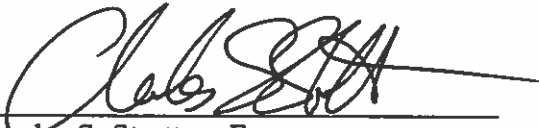

John C. Cooper
Circuit Judge

Conformed copies to:

Charles S. Stratton, Esq.
Joshua S. Stratton, Esq.
J. Marshall Conrad, Esq.
Fannie Mae c/o Legal Resource Center
Timothy R. Qualls, Esq.
Terry J. Harmon, Esq.
Daniel J. Rigo, Esq.
Murray M. Wadsworth, Jr., Esq.

JOINT MOTION FOR ENTRY OF STIPULATED ORDER OF TAKING

The Petitioner, LEON COUNTY, FLORIDA, and the Defendants, TANGLEWOOD APARTMENTS OF TALLAHASSEE, LLC, and EMBARQ FLORIDA, INC., by and through their undersigned attorneys, respectfully move this Honorable Court for entry of the foregoing Stipulated Order of Taking this 12th day of May, 2016.


Charles S. Stratton, Esq.
Florida Bar No. 310130
cstratton@broadandcassel.com
Joshua S. Stratton
Florida Bar No. 113618
jstratton@broadandcassel.com
SunTrust Bank Building
P. O. Drawer 11300
Tallahassee, Florida 32302
(850) 681-6810
Counsel for Defendant, Tanglewood
Apartments of Tallahassee, LLC


Daniel J. Rigo, Esq.
Assistant County Attorney
Florida Bar No. 0972797
RigoD@leoncountyfl.gov
Murray M. Wadsworth, Jr., Esq.
Co-counsel for Petitioner
Florida Bar No. 54356
murray@mwadsworth.com
301 South Monroe Street, Suite 202
Tallahassee, Florida 32301
(850) 606-2500
Counsel for Petitioner,
Leon County, Florida

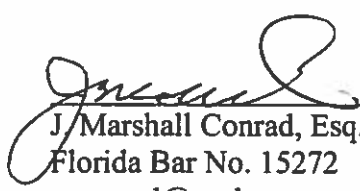

J. Marshall Conrad, Esq.
Florida Bar No. 15272
mconrad@ausley.com
123 South Calhoun Street (32301)
Post Office Box 391
Tallahassee, Florida 32302
(850) 224-9115
Counsel for Defendant, Embarq
Florida, Inc. d/b/a CenturyLink

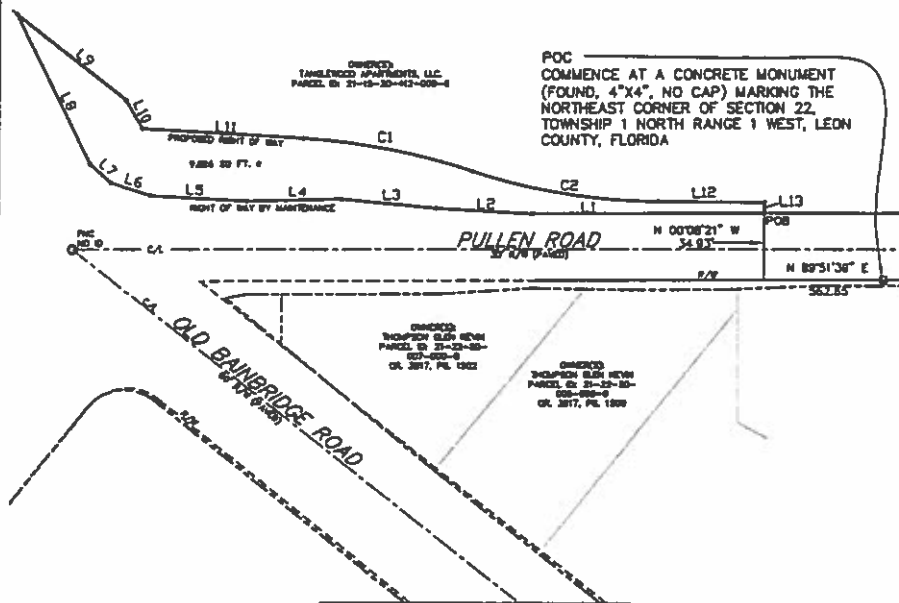
Exhibit "A"

SKETCH OF DESCRIPTION PARCEL 103



NOT TO SCALE

POC
COMMENCE AT A CONCRETE MONUMENT
(FOUND, 4"x4", NO CAP) MARKING THE
NORTHEAST CORNER OF SECTION 22,
TOWNSHIP 1 NORTH RANGE 1 WEST, LEON
COUNTY, FLORIDA



LINE TABLE		
LINE	BEARING	LENGTH
L1	S89°32'16"V	121.41
L2	N86°41'41"V	50.09
L3	N84°23'04"V	50.25
L4	S88°43'33"V	50.01
L5	N86°41'41"V	50.09
L6	N77°41'08"V	22.13
L7	N47°36'39"V	14.58
L8	N65°38'43"V	87.92
L9	S51°03'02"E	73.88
L10	S40°33'37"E	17.82
L11	S86°28'41"E	84.35
L12	S87°08'24"E	95.44
L13	S89°31'36"V	5.57

CURVE TABLE					
CURVE	RADIUS	DELTA	LENGTH	BEARING	CHORD
C1	348.04'	$\Delta=14^{\circ}39'16"$	91.04'	S70°34'24"E	90.78'
C2	311.02'	$\Delta=18^{\circ}14'28"$	99.02'	S80°36'01"E	98.80'

SEE SHEET 2 OF 2
FOR LEGAL DESCRIPTION

LEGEND

AC	ACRES
ASP	ASPHALT
AVC	AVENUE
BUL	BUILDING
BV	BUILDINGS
CH	CHURCH
ENG	ENGINEERING
C.G.	CURB AND GUTTER
C.A.	CONCRETE ROADWAY
CL	CL
CONC	CONCRETE
INFO	INDEX / DESIGN INFORMATION
E	EAST
ELEC	ELECTRIC
ELEV	ELEVATION
F.F.E	FINISHED FLOOR ELEVATION
F.MTB	FIRE HYDRANT
FL	FL
FL	FL

INT.	INTERMEDIATE
I.P.	IRON PIPE
I.R.	IRON ROD
I.H.	IRON HOLE
N.H.	NORTH
N.H.	NORTH
N.E.	NORTH-EAST
N.S.	NATIONAL GEODETIC SURVEY
N.O.S.	NATIONAL GEODETIC SURVEY B.
N.L.	NUMBER
N.C.	RAIL AND CAP
N.W.	NORTHWEST
O.U.	OVERHEAD UTILITY LINE
PI	PLAT INFORMATION
P.C.	POINT OF CURVATURE
P.C.C.	POINT OF COMING CURVATURE
P.C.P.	PERMANENT CONTROL POINT
P.I.	POINT OF INTERSECTION
P.O.B.	POINT OF BEGINNING
P.O.P.	POINT OF PIVOT
P.O.P.	POINT OF PIVOT

P. & C.	POINT OF COMMERCE
P. T.	POINT OF TANGENCY
R	RADIUS
RNG.	RANGING
RD.	ROAD
REF.	REFERENCE
R/R	RAILROAD
R/W	RIGHT OF WAY
SD	SURVEY INFORMATION
S.E.	SECTION
S.R.	STATE ROAD
S.S.	SANITARY SEWER
ST.	STREET
STN.	STATION
TWP.	TOWNSHIP
TRM.	TRUNKWAY TRUNKMAN
T.C.	TERRACE COTTA
YEL.	YELLOW
UDS	U. S. GEOLOGICAL SURVEY

CERTIFY TO:
CITY OF TALLAHASSEE
GENESIS GROUP

I hereby certify that this survey meets the minimum technical standards as set forth by the Florida Board of Surveyors and Mappers in Chapter 3J-17.050 Florida Administrative Code, pursuant to Section 472.027, Florida Statutes.

NOTES

1. THIS IS NOT A BOUNDARY SURVEY.
2. NO TITLE OPINION OR ABSTRACT OF MATTERS CONCERNING THIS PROPERTY WAS FURNISHED AT THE TIME OF THIS SURVEY.
3. THE SURVEYED BOUNDARY HEREON ARE BASED ON LEGAL DESCRIPTIONS.
4. NO UNDISCOVERED UTILITIES WERE LOCATED EXCEPT AS SHOWN.
5. NO OTHER IMPROVEMENTS WERE LOCATED EXCEPT AS SHOWN.
6. THIS SURVEY IS NOT VALID WITHOUT THE SIGNATURE AND CRISTINA, BAILEY NEAL OF A FLORIDA LICENSED SURVEYOR AND THE MAPPER.

STEVEN W. STINSON
FLORIDA PROFESSIONAL LAND SURVEYOR No. 3457
FLORIDA LICENSED BUSINESS No. 7834

Meridian
SURVEYING and MAPPING INC.
3201 Shawrock Street South, Suite 601
Tallahassee, Florida 32309
Office (904) 688-7841 Fax (904) 688-7842

DRAWN BY: S. BROWN	SHEET NO. 1 OF 2 JOB NO. 20833.07
CHECKED BY: S. STINSON	
DATE: MARCH 25, 2015	
REVISED: 11/18/2013	
NOT TO SCALE	
FIELD BOOK 1/2 DATE OF SURVEY 1/1/15	FILED 1/2

DESCRIPTION PARCEL 103 PROPOSED RIGHT-OF-WAY



COMMENCE AT A CONCRETE MONUMENT (FOUND, 4"x4", NO CAP) MARKING THE NORTHEAST CORNER OF SECTION 22, TOWNSHIP 1 NORTH RANGE 1 WEST, LEON COUNTY, FLORIDA AND RUN N 89°51'39" E ALONG THE SOUTH RIGHT OF WAY LINE OF PULLEN ROAD A DISTANCE OF 562.85 FEET; THENCE LEAVING SAID SOUTH RIGHT OF WAY RUN N 00°08'21" W A DISTANCE OF 34.93 FEET TO THE POINT OF BEGINNING. FROM SAID POINT OF BEGINNING RUN THENCE S 89°32'18" W, A DISTANCE OF 121.41 FEET; THENCE N 86°41'41" W, A DISTANCE OF 50.09 FEET; THENCE N 84°25'04" W, A DISTANCE OF 50.25 FEET; THENCE S 88°43'33" W, A DISTANCE OF 50.01 FEET; THENCE N 86°41'41" W, A DISTANCE OF 50.09 FEET; THENCE N 71°41'08" W, A DISTANCE OF 22.13 FEET; THENCE N 47°36'58" W, A DISTANCE OF 14.58 FEET; THENCE N 25°58'45" W, A DISTANCE OF 87.92 FEET; THENCE S 51°30'33" E, A DISTANCE OF 73.00 FEET; THENCE S 30°01'57" E, A DISTANCE OF 17.22 FEET; THENCE S 86°28'41" E, A DISTANCE OF 84.35 FEET; TO A POINT OF CURVATURE TO THE RIGHT; THENCE ALONG SAID CURVE, WITH A RADIUS OF 348.04 FEET, THROUGH A CENTRAL ANGLE OF 14°59'18" FOR AN ARC LENGTH OF 91.04 FEET (HAVING A CHORD BEARING AND DISTANCE OF N 78°58'24" W, 90.78 FEET) TO A POINT OF REVERSE CURVATURE; THENCE ALONG SAID CURVE WITH A RADIUS OF 311.02 FEET, THROUGH A CENTRAL ANGLE OF 18°14'29" FOR AN ARC LENGTH OF 99.02 FEET (HAVING A CHORD BEARING AND DISTANCE OF S 80°38'01" E, 98.60 FEET); THENCE S 89°26'24" E, A DISTANCE OF 55.44 FEET; THENCE S 00°33'36" W, A DISTANCE OF 5.57 FEET TO THE POINT OF BEGINNING. CONTAINING 9,026 SQ. FT. ±.

SEE SHEET 1 OF 2
FOR SKETCH OF DESCRIPTION

LEGEND		CERTIFY TO:	
AC - ACRES	HT - HIGHWAY	P.B.C. - POINT OF COMMENCEMENT	CITY OF TALLAHASSEE GENESIS GROUP
ADPA - ASPHALT	I.P. - IRON PIPE	P.T. - POINT OF TANGENCY	
AWC - AVERAGE	I.R. - IRON ROD	R - RADIUS	
B.L.C. - BUILDING	M.H. - MANHOLE	RCL - RADIUS	
B.V. - BULKHEAD	MON - MONUMENT	R/S - REFERENCE	
B.W. - BENCH MARK	N - NORTH	R/W - RIGHT OF WAY	
B.C. - BENCHMARK	NE - NORTHEAST	S.I. - SURVEY INFORMATION	
C.C. - CURB AND GUTTER	NCE - NATIONAL GEODETIC SURVEY	S.E. - STATE ROAD	
C.H. - CONCRETE MONUMENT	NCEV - NATIONAL GEODETIC VERTICAL ADJUSTMENT	S.S. - SANITARY SEWER	
CL - COUNTY	NO. - NUMBER	ST. - STREET	
CONC. - CONCRETE	NW - NORTHWEST	STA. - STATION	
CSO - SEWER / DESIGN INFORMATION	OP - OVERHEAD UTILITY LINE	TEN. - TEMPORARY BENCHMARK	
E - EAST	CP - CURVE POINT	TOP. - TOP OF CURVE	
ELC - ELECTRIC	P.C. - POINT OF CURVATURE	TR. - TRAIL	
ELEV. - ELEVATION	P.C.C. - POINT OF COMPOUND CURVATURE	U.S. - U.S. GEOLOGICAL SURVEY	
F.F.L. - FINISHED FLOOR ELEVATION	P.C.P. - POINT OF CENTER POINT		
F.H.S. - FIRE HYDRANT	P.I. - POINT OF INTERSECTION		
FOH - FOUND	P.O.B. - POINT OF BEGINNING		
FT. - FEET	PM - PERMANENT MONUMENT		

NOTES	
1. THIS IS NOT A BOUNDARY SURVEY.	
2. NO TITLE OPINION OR ABSTRACT OF MATTERS CONCERNING THIS PROPERTY WAS FURNISHED AT THE TIME OF THIS SURVEY.	
3. THE BENCHMARKS SHOWN HEREON ARE BASED ON LEGAL DESCRIPTIONS.	
4. NO UNDERGROUND UTILITIES WERE LOCATED EXCEPT AS SHOWN.	
5. NO OTHER IMPROVEMENTS WERE LOCATED EXCEPT AS SHOWN.	
6. THIS SURVEY IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.	

 STEVEN W. STINSON FLORIDA PROFESSIONAL LAND SURVEYOR No. 5487 FLORIDA LICENSED BUSINESS No. 7834	 2301 Shawnee Road South, Suite 400 Tallahassee, Florida 32309 Office (904) 999-7841 Fax (904) 999-7848	DRAWN BY: S. BROWN CHECKED BY: S. STINSON DATE: FEBRUARY 23, 2015 REVISION: 11/19/2015	SHEET NO. 2 OF 2
		SCALE: 1" = 30' FILED WITH: 1/23/2015 DATE OF SURVEY: 1/23/2015	JOB NO. 20833.07