

RESOLUTION NO. 2011- 140

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING PAYMENT PER THE TERMS OF A STIPULATED FINAL ORDER IN AN EMINENT DOMAIN CASE FOR ACQUISITION OF PROPERTY FOR THE FOUR MILE ROAD/VOLUSIA STREET ROADWAY IMPROVEMENT PROJECT.

RECITALS

WHEREAS, on September 15, 2009, per Chapter 127, Florida Statutes, the Board approved Resolution 2009-238 authorizing eminent domain for property needed for the Four Mile Road/Volusia Street Roadway Improvement Project; and

WHEREAS, as part of the eminent domain process mediation proceedings were held which resulted in a settlement agreement and Final Stipulated Order, attached hereto as Exhibit "A", incorporated by reference and made a part hereof; and

WHEREAS, the Final Stipulated Order provides for all inclusive compensation of \$315,000.00 for property, expert fees and attorney fees; and

WHEREAS, the parcel included in the Settlement Agreement is described as Parcel 103 on the attached Exhibit "B", incorporated by reference and made a part hereof; and

WHEREAS, it is in the best interest of the County to approve the Final Stipulated Order to conclude this eminent domain case without additional court and expert fees.

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of St. Johns County, Florida that:

Section 1. The above Recitals are incorporated herein by reference and are hereby adopted as Findings in support of this Resolution.

Section 2. The Board of County Commissioners hereby approves the terms of the Final Stipulated Order, attached hereto as Exhibit "A", and incorporated herein.

Section 3. To the extent that there are typographical errors that do not change the tone, tenor, or concept of this Resolution, then this Resolution may be revised without subsequent approval by the Board of County Commissioners.

PASSED AND ADOPTED by the Board of County Commissioners of St. Johns County, Florida, this 7th day of June, 2011.

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: 

Ken Bryan, Chair

ATTEST: Cheryl Strickland, Clerk

By: 

Deputy Clerk

RENDITION DATE 6/7/11

Exhibit "A"

IN THE CIRCUIT COURT, SEVENTH
JUDICIAL CIRCUIT, IN AND FOR
ST. JOHNS COUNTY, FLORIDA

Case No. CA10-0371

Division: 55

ST. JOHNS COUNTY, a municipal
corporation of the State of Florida,

Petitioner,

v.

KAUSHIK PATEL, also known as
KAUSHIKBHA BABUBARIAI PATEL,
etc., et al.,

Defendants.

STIPULATED FINAL JUDGMENT

THIS CAUSE having come before the Court on the joint motion of petitioner St. Johns County (the "County") and defendants Kaushik and Maltiben Patel for entry of this Stipulated Final Judgment as to the eminent domain taking of the fee simple interest in the property described as Parcel 103 in Exhibit A (the "Property"), and the Court finding that the parties are authorized to enter into their joint motion, proper notice has been given to all persons having or claiming any equity, lien, title or other interest in or to the Property, and the compensation to be paid by the County is full, just and reasonable, it is

ORDERED AND ADJUDGED:

1. The Court has jurisdiction of the subject matter and the parties to this cause pursuant to Chapter 73, Florida Statutes.

2. The pleadings in this cause are sufficient and the County is properly exercising its delegated authority to acquire the Property for the public purpose described in the Petition.

3. Kaushik and Maltiben Patel and their attorneys and experts do have and recover from the County the total sum of THREE HUNDRED FIFTEEN THOUSAND DOLLARS (\$315,000.00) as full compensation for the taking of the Property and in satisfaction of all damages, interest or other sums recoverable in this action, inclusive of all attorneys' fees, expert fees or costs, including all attorneys' fees and costs for any and all monetary and non-monetary benefits obtained.

4. Within 20 days of the date of this judgment, the County shall deposit into the Registry of the Court the sum of ONE HUNDRED SIXTY THOUSAND THREE HUNDRED AND NO/100 DOLLARS (\$160,300.00) (the "Deposit"), which is the difference between the total amount of stipulated full compensation of THREE HUNDRED FIFTEEN THOUSAND DOLLARS (\$315,000.00) and the ONE HUNDRED FIFTY-FOUR THOUSAND SEVEN HUNDRED DOLLARS (\$154,700.00) the County previously deposited into the Registry of the Court pursuant to the Order of Taking in this action.

5. The Clerk of the Court is ordered and directed upon receipt of the Deposit, without further order of the Court, to disburse the sum of ONE HUNDRED SIXTY THOUSAND THREE HUNDRED AND NO/100 DOLLARS (\$160,300.00) as follows:

(continued next page)

TO: BIRCHFIELD & HUMPHREY, P.A. TRUST ACCOUNT
IN CARE OF BRUCE B. HUMPHREY, ESQ., AS ATTORNEY
FOR DEFENDANTS KAUSHIK & MALTIBEN PATEL,
as full compensation for the Property and in
satisfaction of all damages, interest, fees, costs
or other sums due in this action \$160,300.00

6. The foregoing disbursement represents full compensation for the
Property and is subject to all claims, liens or encumbrances of record, if any.

DONE AND ORDERED in Chambers at St. Augustine, St. Johns County,
Florida, this _____ day of _____, 2011.

Circuit Judge

Copies to:

Bruce B. Humphrey, Esq.
Lee D. Wedekind, III, Esq.

MOTION

The parties jointly move for entry of the foregoing Stipulated Final Judgment
this _____ day of _____, 2011.

BIRCHFIELD & HUMPHREY, P.A.

SMITH HULSEY & BUSEY

By: _____

Bruce B. Humphrey

Florida Bar Number 166855
1031 LaSalle Street
Jacksonville, Florida 32207
(904) 396-6625
(904) 396-6624 (facsimile)

Attorneys for Kaushik & Maltiben Patel

By: _____

Joel Settembrini, Jr.
Lee D. Wedekind, III

Florida Bar Number 689572
Florida Bar Number 670588
225 Water Street, Suite 1800
Jacksonville, Florida 32202
(904) 359-7700
(904) 359-7708 (facsimile)

and

PATRICK F. MCCORMACK
COUNTY ATTORNEY
ST. JOHNS COUNTY
Florida Bar Number 061980
500 San Sebastian View
St. Augustine, Florida 32084
(904) 823-2458
(904) 823-2575 (facsimile)

Attorneys for St. Johns County

Exhibit "B"

Parcel 103

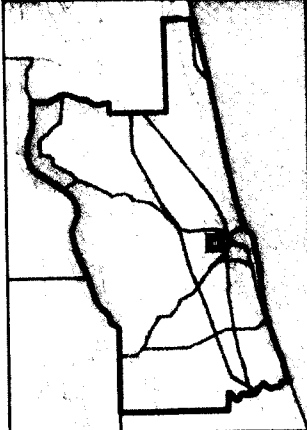
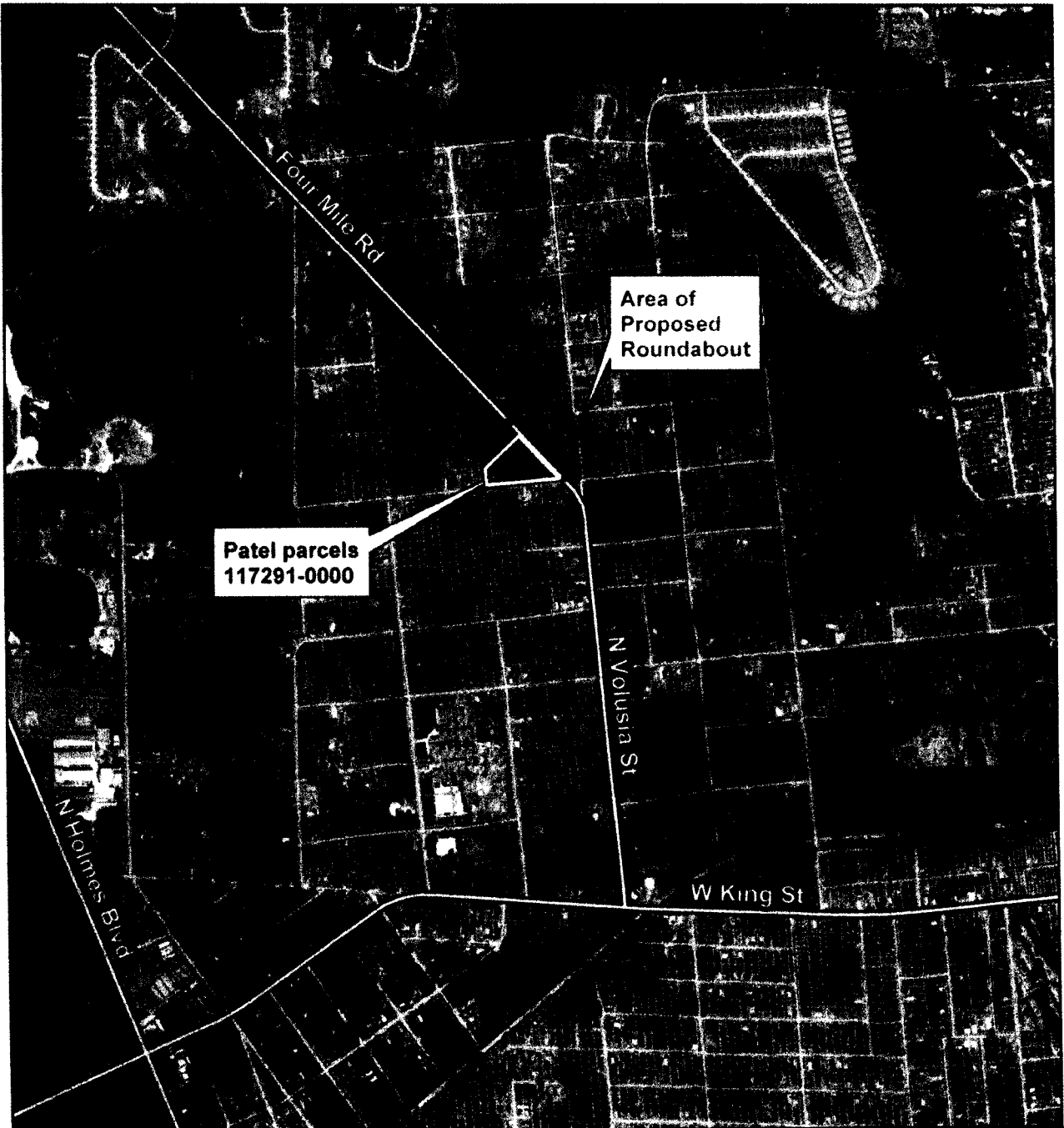
A portion of the park of Block 89, Afro-American Subdivision of the Dancy Tract, Unit No. 2, according to the plat thereof as recorded in Map Book 4, Page 28, of the Public Records of St. Johns County, Florida, being more particularly described as follows:

COMMENCE at the Southwest corner of said Block 89; run thence North 83 degrees 00 minutes 00 seconds East along the Northerly Right-of-Way line of Josiah Street a distance of 57.31 feet to the POINT OF BEGINNING. Thence North 45 degrees 00 minutes 05 seconds East a distance of 331.58 feet to the Southwesterly Right-of-Way line of Picolata Road; thence South 44 degrees 59 minutes 55 seconds East along the Southwesterly Right-of-Way line of Picolata Road a distance of 259.05 feet to the Northerly Right-of-Way line of Josiah Street; thence South 83 degrees 00 minutes 00 seconds West along the Northerly Right-of-Way line of Josiah Street a distance of 420.78 feet to the POINT OF BEGINNING.

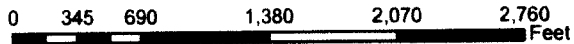
ALSO:

A portion of the park of Block 89, Afro-American Subdivision of the Dancy Tract, Unit No. 2, according to the plat thereof as recorded in Map Book 4, Page 28, of the Public Records of St. Johns County, Florida, being more particularly described as follows:

BEGIN at the Southwest corner of said Block 89, run thence North 07 degrees 04 minutes 17 seconds West along the Easterly Right-of-Way line of Brevard Street a distance of 112.87 feet; thence North 45 degrees 00 minutes 05 seconds East a distance of 307.37 feet to the Southwesterly Right-of-Way line of Picolata Road; thence South 44 degrees 59 minutes 55 seconds East along the Southwesterly Right-of-Way line of Picolata Road a distance of 124.31 feet; thence South 45 degrees 00 minutes 05 seconds West a distance of 331.58 feet to the Northerly Right-of-Way line of Josiah Street; thence South 83 degrees 00 minutes 00 seconds West along the Northerly Right-of-Way line of Josiah Street a distance of 57.31 feet to the POINT OF BEGINNING.



**Seg. III No. Volusia St./
Four Mile Road Project
Patel parcel**



St. Johns County
Land Mgmt Systems
Real Estate Division



Prepared by:
Cecelia Aldrich
May 11, 2011
(904) 209-0786



2008 Aerial Imagery

DISCLAIMER
This map is for reference use only. Data provided are derived from multiple sources with varying levels of accuracy.