

Filing # 140320896 E-Filed 12/14/2021 10:48:05 AM

IN THE CIRCUIT COURT OF THE TENTH JUDICIAL CIRCUIT OF FLORIDA
IN AND FOR POLK COUNTY

POLK COUNTY, etc.,

Petitioner,

vs

TLG CHAMPIONSGATE, etc.,

Et al,

Defendants.

Case No. 53-2021CA- 2701
Section 08
Parcels 103, 711 and 803

STIPULATED ORDER OF TAKING AS TO PARCELS 103, 711 and 803

THIS CAUSE came on for consideration by the Court upon the stipulation and motion of Petitioner, POLK COUNTY, and Defendant, TLG CHAMPIONSGATE, LLC, fee owner of Parcels 103, 711 and 802, by and through their undersigned attorneys, for entry of this Stipulated Order of Taking, and the Court having reviewed the record and it appearing that proper notice was first given to all Defendants and to all persons having or claiming any equity, lien, title or other interest in or to Parcels 103, 711 and 802, and the Court being fully advised in the premises, it is:

ADJUDGED as follows:

1. The Court has jurisdiction of the subject matter and the parties to this cause.
2. The pleadings in this cause are sufficient.
3. The Petitioner is properly exercising its delegated authority pursuant to Chapters 73, 74 and 127, Florida Statutes, to acquire the necessary property for any Court purposes.
4. The property is being acquired for a public purpose.
5. The taking of the property is reasonably necessary to serve the public purpose for which the property is being acquired.
6. The Estimate of Value in this cause by Petitioner was made in good faith and based upon a valid appraisal.

7. That upon the payment of deposit hereinafter specified into the Registry of the Court, the right, title or interest specified in the petition and described on the attached Composite Exhibit "A" shall vest in the Petitioner and Petitioner shall be entitled to immediate possession of the property.

8. This order is without prejudice to either party as to the ultimate amount of compensation and that the deposit of money will secure the persons lawfully entitled to such compensation, which will ultimately be determined by final judgment of this Court.

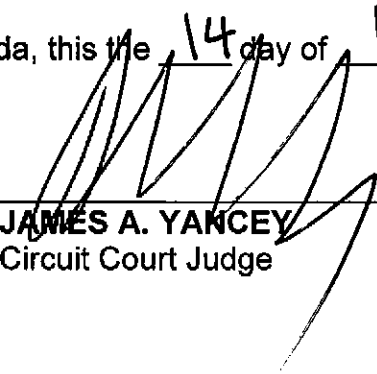
9. The sum of money to be deposited in the Registry of the Court within 20 days of the entry of this Order shall be in the amount of \$86,800.00 for Parcel 103, \$500.00 for Parcel 711, and \$1,900.00 for Parcel 803 for a total of **Eighty-Nine Thousand Two Hundred Dollars and No/100 (\$89,200.00)** for the three parcels described above.

10. Pursuant to Section 73.061, Florida Statutes, ad valorem taxes shall be prorated against the owner as the date of deposit, and the Clerk is hereby ordered and directed without further Order of this Court to deduct such taxes from the deposit and disburse the prorated taxes directly to the Tax Collector for Polk County, Florida.

11. That upon proper notice and hearing pursuant to Section 74.071, Florida Statutes, the deposit may be distributed to the Defendant, TLG CHAMPIONSGATE, LLC, less the prorated taxes due and owing to the Polk County Tax Collector pursuant to this Court's order.

12. This Stipulated Order of Taking is based on Petitioner's commitments that it intends to construct the project as shown in the right of way maps and construction plans which are attached hereto as Composite Exhibit "B". In the event Petitioner fails to construct the project substantially in conformance with these right of way maps and construction plans, TLG CHAMPIONSGATE LLC retains all rights and remedies pursuant to *Central and Southern Florida Control District v. Wye River Farms, Inc.*, 297 So. 2d 323 (Fla.4th DCA 1974) cert. denied 310 So. 2d 745 (Fla. 1975).

ORDERED in Barlow, Polk County, Florida, this the 14 day of December 2021.

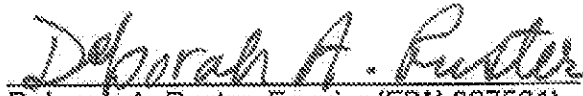


JAMES A. YANCEY
Circuit Court Judge

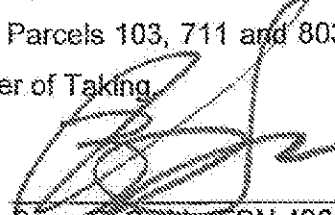
Copies to Counsel of Record

STIPULATION AND MOTION FOR ENTRY OF ORDER OF TAKING

Petitioner, Polk COUNTY, and Defendant, TLG CHAMPIONSGATE, LLC, fee owner of Parcels 103, 711 and 802, by and through their undersigned attorneys, stipulate to the above Stipulated Order of Taking as to Parcels 103, 711 and 803, and move the Court for entry of the foregoing Stipulated Order of Taking.



Deborah A. Ruster, Esquire (FBN 327581)
PETERSON & MYERS, P.A.
P. O. Box 24628
Lakeland, FL 33802
druster@petersonmyers.com
dburress@petersonmyers.com
Phone: (863) 683-6511



Brian E. Smith (FBN 42316)
S. Brendan Lynch (FBN 0048124)
215 North Eola Drive
Post Office Box 2809
Orland, FL 32801
Phone: (407) 843-4600
Brian.smith@lowndes-law.com
Brendan.lynch@lowndes-law.com
Lit.control@lowndes-law.com

Randy M. Mink, Esquire (FBN 0028152)
COUNTY ATTORNEY
Polk County Attorney's Office
P. O. Box 9005, Drawer AT01
Bartow, FL 33831-9005
randymink@polk-county.net
eFilingServices@polk-county.net
dwilson@polk-county.net
Phone (863) 534-7679

Elizabeth W. Voss, Esquire (FBN 58005)
Deputy County Attorney
Polk County Attorney's Office
P. O. Box 9005, Drawer AT01
Bartow, FL 33831-9005
elizabethvoss@polk-county.net
eFilingServices@polk-county.net
Phone (863) 534-6746

EXHIBIT **A**

ROAD: LAKE WILSON ROAD	POLK COUNTY	DESCRIPTION
PARCEL: 103	ESTATE: FEE SIMPLE	PURPOSE: ROAD RIGHT-OF-WAY

Project Name: Lake Wilson Rd.
 Tax Folio Number: 022627-000000-043040
 Parcel Number: 103

Road Number: 670301
 Job Number: 6703E19-1

DESCRIPTION

A parcel of land being a portion of a parcel as described in Official Records Book 10833, Page 406, Public Records of Polk County, Florida, lying in the Northwest 1/4 of the Southwest 1/4 of Section 02, Township 26 South, Range 27 East, Polk County, Florida, being more particularly described as follows:

Commence at the northwest corner of the Southwest 1/4 of said Section 2; thence South 00°31'14" East, along the west line of said Section 2, a distance of 1322.67 feet, to the south line of said Northwest 1/4 of the Southwest 1/4; thence North 89°26'46" East, along said south line, 40.00 feet to the east right-of-way line for Lake Wilson Road as described in Official Records Book 11723, page 887, of said Public Records and the Point of Beginning; thence continue North 89°26'46" East, along said south line, 31.71 feet, to a point on a non-tangent curve concaved westerly having a radius of 7,810.00 feet, a central angle of 0°27'25", a chord bearing of North 03°19'28" West, and a chord distance of 62.27 feet; thence northerly along said curve 62.27 feet, to the point of tangency; thence North 03°33'10" West, 141.26 feet; thence North 02°18'09" West, 142.05 feet, to the northerly line of said parcel; thence North 89°58'48" West, along said northerly line, 6.78 feet; thence North 00°31'14" West, along said northerly line, 272.32 feet, to the south line of a parcel described in Official Record Book 6554, Page 38 of said Public Records; thence South 89°28'46" West, along said south line, 10.00 feet, to said east right-of-way line; thence South 00°31'14" East, along said east right-of-way line, 617.67 feet, to said Point of Beginning

Containing 10,816.6 square feet, 0.25 Acres more or less.

SHEET 1 OF 2

FOR SKETCH SEE SHEET 2 OF 2

REVISION	DATE	BY
(1) ADDED EASEMENTS	6/02/20	RWV
(2) ADDED NEW RIGHT-OF-WAY LINES	5/25/21	RWV

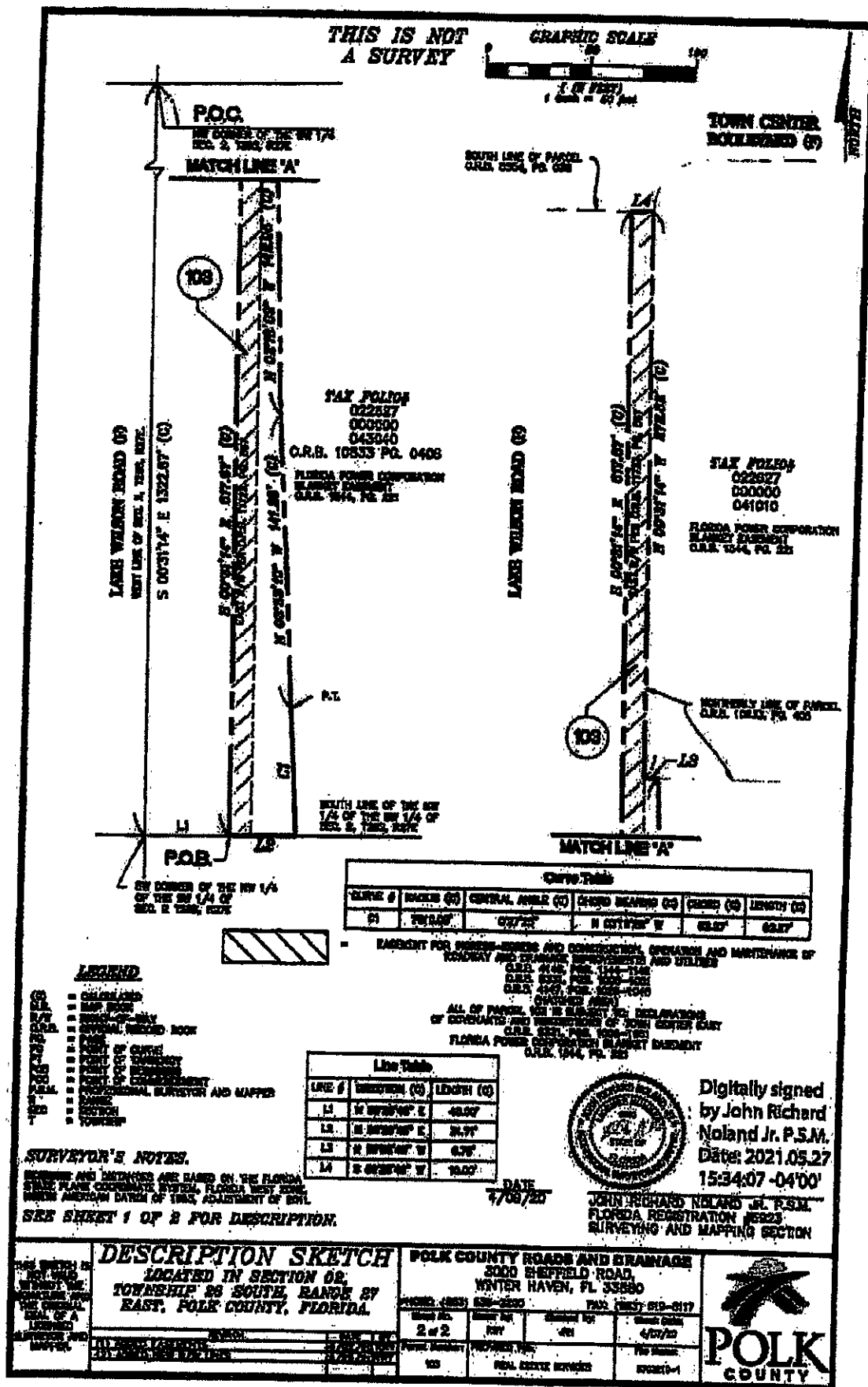


EXHIBIT **A**

ROAD: LAKE WILSON ROAD POLK COUNTY DESCRIPTION
PARCEL: 711 ESTATE: TEMPORARY CONSTRUCTION EASEMENT DURATION: 60 MONTHS
PURPOSE: DRIVEWAY RECONSTRUCTION AND CONNECTION, AND GRADE HARMONIZATION

Project Name: Lake Wilson Rd.
Tax Folio Number: 022627-000000-043080
Parcel Number: TCE 711

Road Number: 670301
Job Number: 6703B19-1

DESCRIPTION

A parcel of land being a portion of a parcel described in Official Records Book 11513, Page 657, Public Records of Polk County, Florida, lying in the Northwest 1/4 of the Southwest 1/4 of Section 02, Township 26 South, Range 27 East, Polk County, Florida, being more particularly described as follows:

Commence at the Northwest corner of said Southwest 1/4 of Section 2; thence South 00°31'14" East, along the west line of said Section 2, a distance of 977.32 feet; thence North 89°28'46" East, 50.00 feet to the northerly line of a parcel described in Official Record Book 10833, Page. 406 of said Public Records and the Point of Beginning; thence South 89°58'48" East, along said northerly line 16.79 feet; thence North 02°25'30" West, 8.99 feet, to the north line of said parcel described in Official Records Book 11513, Page 657; thence South 88°59'43" West, along said north line 16.49 feet, to said northerly line; thence South 0°31'14" East, along said northerly line 8.69 feet, to the Point of Beginning.

Containing 147.1 square feet, more or less.

SHEET 1 OF 2

FOR SKETCH SEE SHEET 2 OF 2

REVISION	DATE	BY

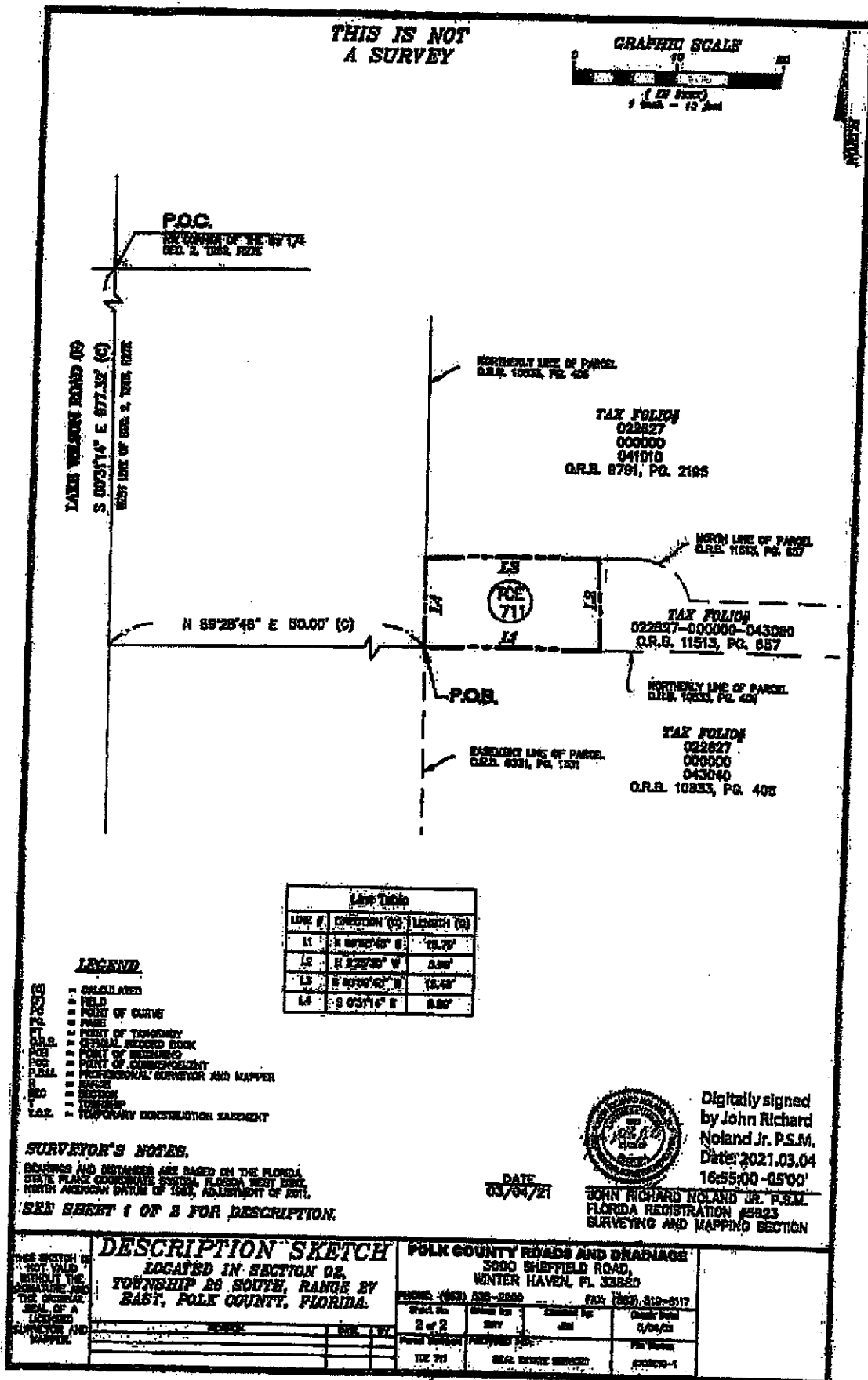


EXHIBIT A

ROAD: LAKE WILSON ROAD POLK COUNTY DESCRIPTION
PARCEL: 803 ESTATE: PERPETUAL EASEMENT
PURPOSE: INSTALLATION AND FUTURE MAINTENANCE OF DRAINAGE FACILITIES

Project Name: Lake Wilson Rd.
 Tax Folio Number: 022627-000000-043040
 Parcel Number: Easement 803

Road Number: 670301
 Job Number: 6703E19-1

DESCRIPTION

A parcel of land being a portion of a parcel described in Official Records Book 10833, Page 0406, Public Records of Polk County, Florida, lying in the Northwest 1/4 of the Southwest 1/4 of Section 02, Township 26 South, Range 27 East, Polk County, Florida, being more particularly described as follows:

Commence at the Northwest corner of the said Southwest 1/4 of Section 2; thence South 00°31'14" East, along the west line of said Section 2, a distance of 1197.84 feet; thence North 89°28'46" East, 65.35 feet to the Point of Beginning; thence North 86°26'50" East, 10.00 feet; thence North 03°33'10" West, 30.00 feet; thence South 86°26'50" West, 10.00 feet; thence South 03°33'10" East, 30.00 feet to said Point of Beginning.

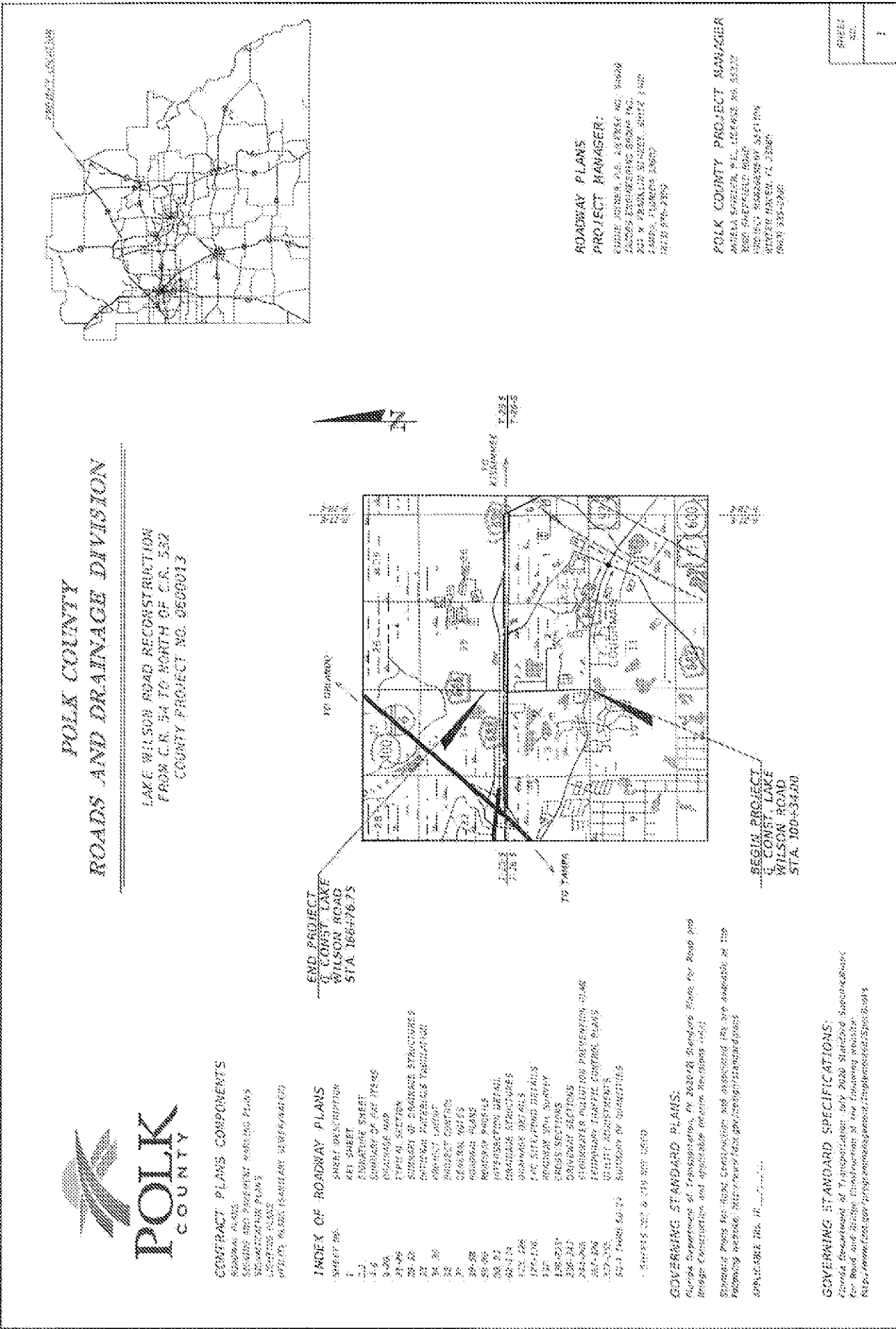
Containing 300.0 square feet, more or less.

SHEET 1 OF 2

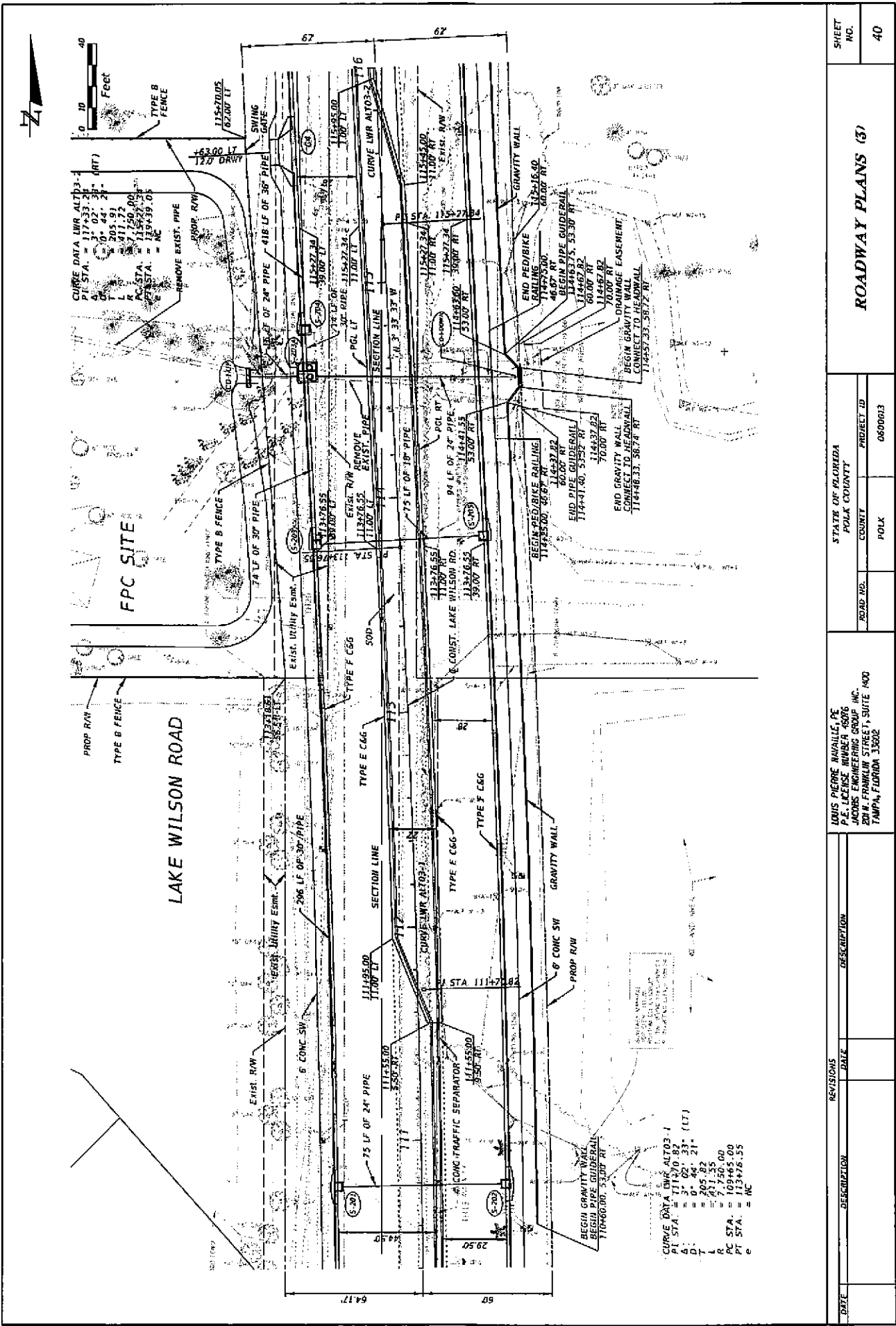
FOR SKETCH SEE SHEET 2 OF 2

REVISION	DATE	BY

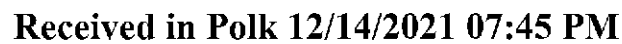
[illegible]



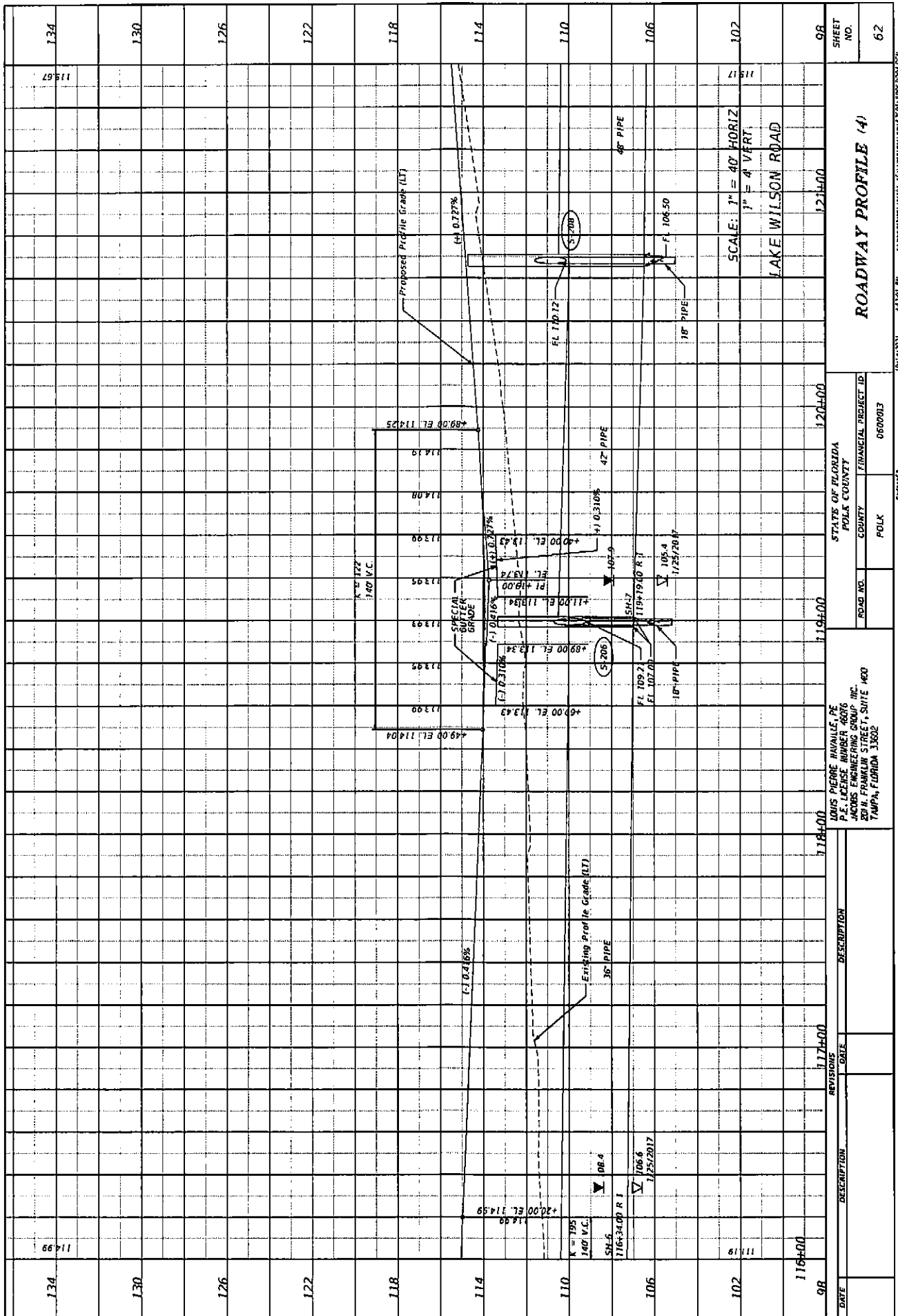
COMPOSITE EXHIBIT "B"

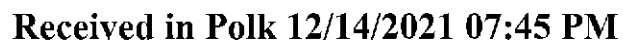


STATE OF FLORIDA POLK COUNTY		ROADWAY PLANS (3)		SHEET NO.
ROAD NO.	COUNTY	PROJECT ID	POLK	40
		0600613		
LOUIS PIERRE NAVILLE, PE P.E. LICENSE NUMBER 46076 JACOBS ENGINEERING GROUP INC. 200 N. FRANKLIN STREET, SUITE 400 TAMPA, FLORIDA 33602				

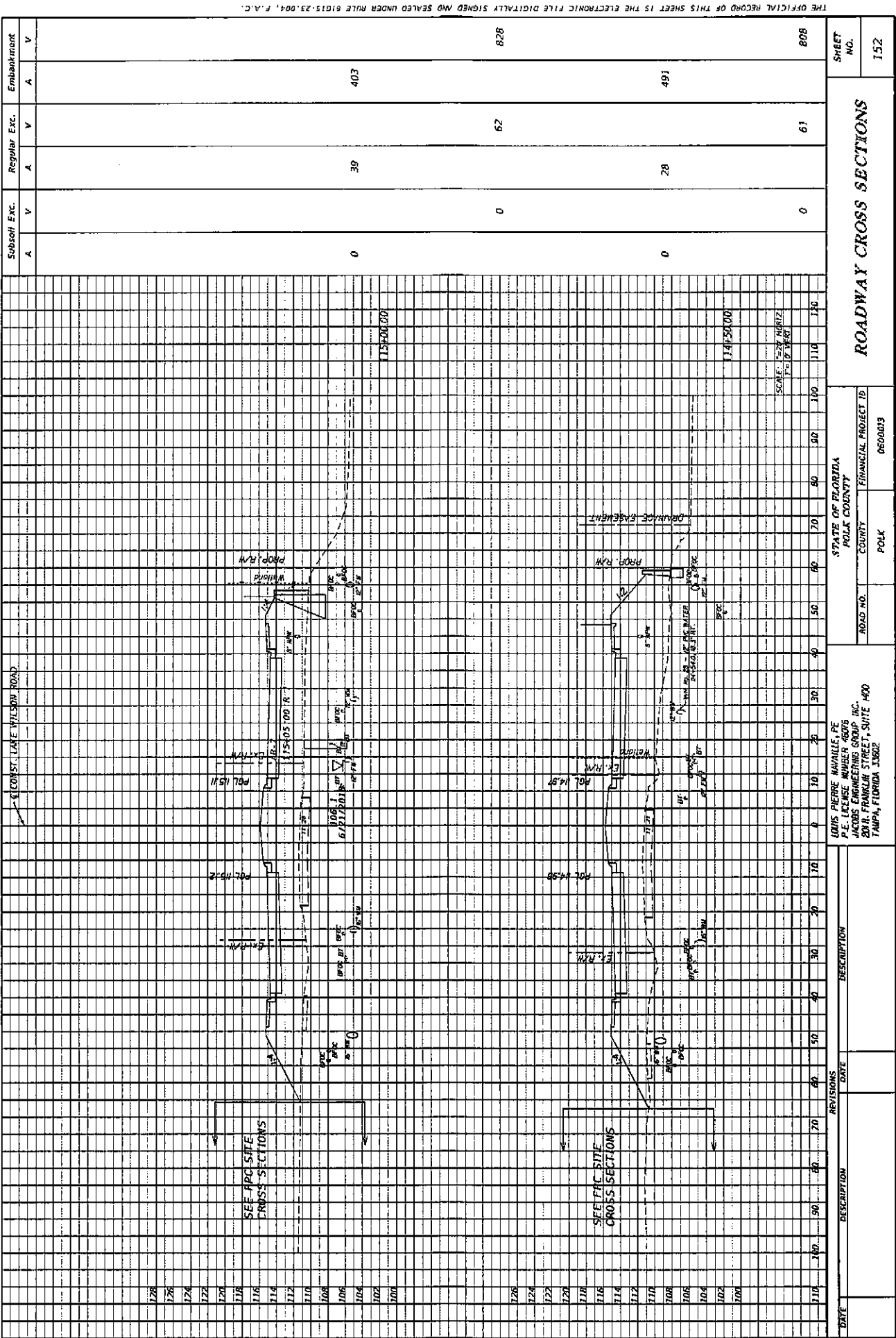




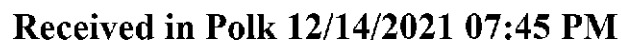


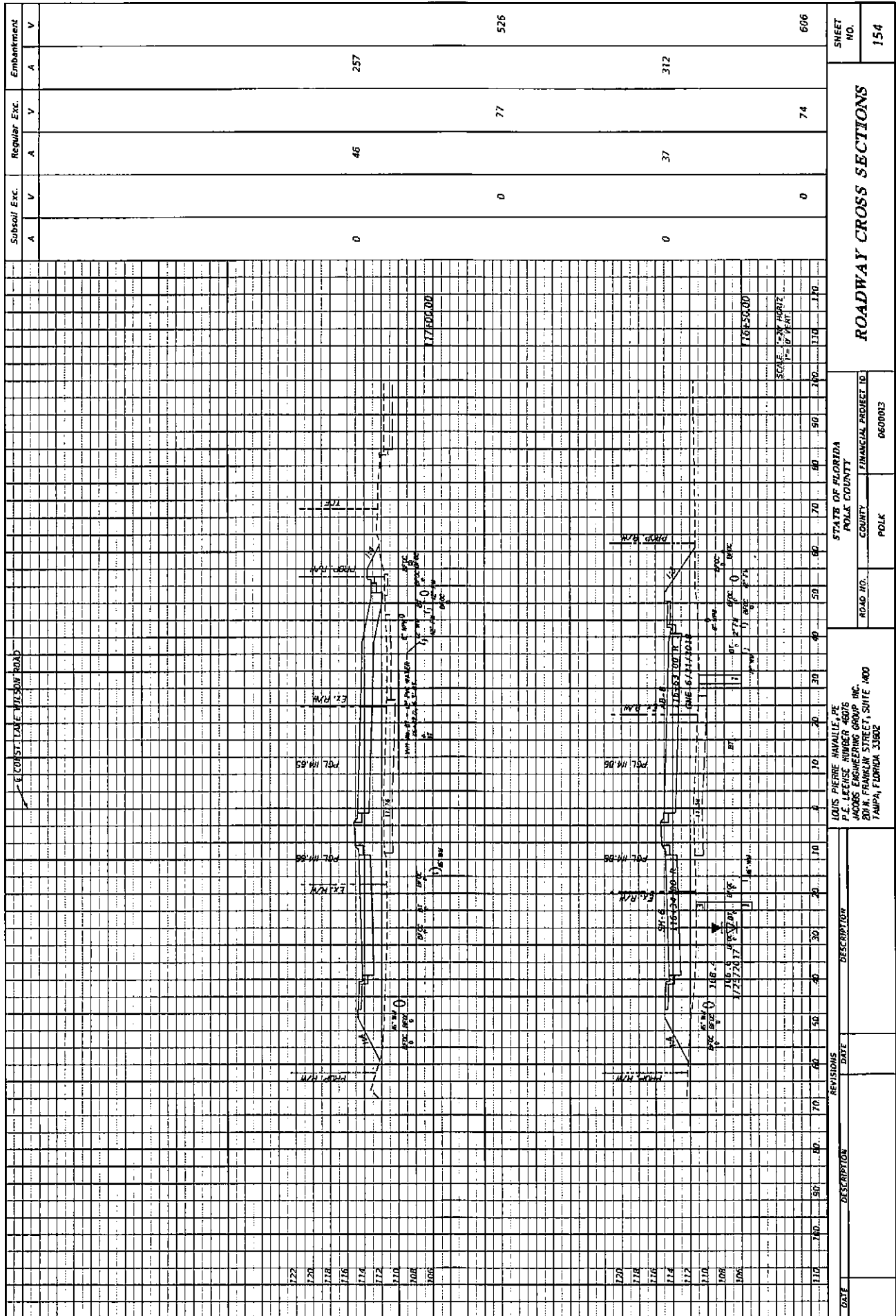






THE OFFICIAL RECORD OF THIS SHEET IS THE ELECTRONIC FILE DIGITALLY SIGNED AND SEALED UNDER RULE 61G15-23.004, F.A.C.





c:\programing\jacob1_66\100e\res\p-3407693\PER5A00.J ENIGM

