

Filing # 136178574 E-Filed 10/08/2021 10:41:48 AM

IN THE CIRCUIT COURT OF THE 19TH JUDICIAL CIRCUIT
OF FLORIDA, IN AND FOR INDIAN RIVER COUNTY,
FLORIDA

INDIAN RIVER COUNTY, FLORIDA,
a political subdivision of the State of Florida,

Petitioner

vs.

JOHNNY C. DENT and JACKIE L. DENT,
INDIVIDUALLY, and d/b/a DENT
FAMILY MINIATURE HORSE RANCH;
et. al.

312021CA000429XXXXXX
CASE NO. 2021 CA 000429
PARCEL NO. 313

Respondents.

STIPULATED ORDER OF TAKING AND FINAL JUDGMENT
WITH DISBURSEMENT DIRECTIONS TO THE CLERK

THIS CAUSE came before the Court upon the Joint Motion for entry of a Stipulated Order of Taking and Final Judgment, set forth below, entered into by the Petitioner, INDIAN RIVER COUNTY and Respondents, JOHNNY C. DENT and JACKIE L. DENT, individually, and d/b/a DENT FAMILY MINIATURE HORSE RANCH, and it appearing that proper notice was first given to all Respondents and to all parties having or claiming any equity, lien, title or other interest in or to the real property described in the Petition and the Court being fully advised in the premises, upon consideration, it is therefore

ORDERED AND ADJUDGED:

1. That the Court has jurisdiction of the subject matter and the parties to this cause.
2. That the pleadings in this cause are sufficient and the Petitioner is properly exercising its delegated authority.

3. That Respondents, JOHNNY C. DENT and JACKIE L. DENT, individually and d/b/a DENT FAMILY MINIATURE HORSE RANCH, do have and recover from Petitioner the sum of Forty-Five Thousand and 00/100 (\$45,000.00) Dollars in full payment for the taking of the subject real property and improvements taken as shown and legally described on attached Exhibit "A," including cost to cure, severance damages, business damages, relocation expenses, and all claims and damages arising therefrom, of whatever nature, excluding costs and attorneys' fees.

4. In addition to the payment of the amount set forth in paragraph 3 above, Respondents shall have and recover the following:

A. The sum of Ten Thousand and 00/100 (\$10,000.00) Dollars in full and complete payment of Respondents' attorneys' fees, including fees for non-monetary or other benefits or attorneys' fees of whatever nature. Except as may be permitted by a claim pursuant to Paragraph 7(D), Respondents shall make no additional claim for attorneys' fees in this matter.

B. The sum of Twenty Thousand and 00/100 (\$20,000.00) Dollars in full and complete payment of all costs, expert witness fees or other costs and expenses of any nature. Except as may be permitted by a claim pursuant to Paragraph 7(D), Respondents will make no additional claim for costs in this matter.

5. That within twenty (20) days from entry of this Order of Taking and Final Judgment, Petitioner shall deposit the sum of Seventy-Five Thousand and 00/100 (\$75,000.00) Dollars into the Registry of this Court as full and complete payment of this Stipulated Order of Taking and Final Judgment.

6. That upon payment through deposit of the aforesaid sum into the Registry of this Court, fee simple title in and to the real property legally described in attached Exhibit A shall vest in the Petitioner without further notice or Order of Court.

7. In addition to the payment of the sums referenced above, the parties agree as follows:

A. Petitioner agrees to construct a drainage ditch at the back of the proposed sidewalk along Parcel 313. The ditch shall extend the entire east/ west width of Parcel 313 and shall be designed to drain into the inlet at the back of sidewalk shown on the revised plans.

B. Petitioner agrees to construct a 20' wide concrete driveway to replace the existing driveway on Parcel 313. The driveway shall extend from the edge of the road pavement to the back of the sidewalk. At the northern terminus of the concrete driveway, Petitioner agrees to construct a stabilized driveway to terminate 20' inside the remainder property line with the driveway to be sloped to the existing grade. Respondents agree to provide Petitioner with a right of entry to carry out the driveway construction on the remainder property. In addition, Petitioner agrees to install a culvert under the concrete driveway to allow water to drain laterally.

C. Within fifteen (15) days of entry of this Stipulated Order of Taking and Final Judgment, Petitioner agrees to stake the new southern boundary of Respondents' remainder property in order to allow Respondents to erect a fence.

D. Petitioner shall construct the project in accordance with the construction plans attached hereto as Exhibit "B." In the event the project is not so implemented, Respondents may claim additional damages and compensation based on any such deviation from such construction plans.

8. Respondents, JOHNNY C. DENT, JACKIE L. DENT, DENT FAMILY MINIATURE HORSE RANCH, shall be responsible for the prorated share of taxes due Respondent, CAROLE

JEAN JORDAN, TAX COLLECTOR OF INDIAN RIVER COUNTY, pertaining to the Parcel 313 through the date of vesting of title. Said taxes shall be paid from the above-mentioned deposit of funds.

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

10. That upon receipt of the funds in the Court Registry, the Clerk of this Court shall forthwith issue a check payable to "David W. Holloway, P. A., Trust Account" in the aforementioned sum of Seventy-Five Thousand (\$75,000.00) Dollars, less prorated taxes due the Tax Collector of Indian River County, and deliver a check to David W. Holloway, P.A., 10764 70th Avenue, Suite 6206, Seminole, Florida 33772, as attorney for Respondents, JOHNNY C. DENT and JACKIE L. DENT, individually, and d/b/a DENT FAMILY MINIATURE HORSE RANCH, and for disbursement in accordance with this Stipulated Order of Taking and Final Judgment.

11. The Court reserves jurisdiction to enforce the terms of this Stipulated Order of Taking and Final Judgment.

DONE AND ORDERED this _____ day of _____, 2021, in Vero Beach, Indian River County, Florida.

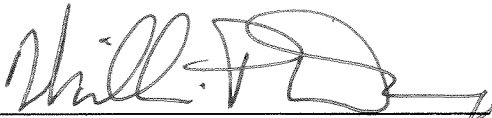
10/08/2021 10:16:38

eSigned by JANET CARNEY CROOM (NOT) 10/08/2021 10:16:38 7UCVPMQV
Circuit Judge

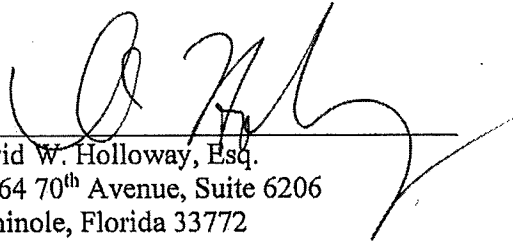
Copies furnished:
Attached Service List

JOINT MOTION

Petitioner, INDIAN RIVER COUNTY, and Respondents, JOHNNY C. DENT and JACKIE L. DENT, individually, and d/b/a DENT FAMILY MINIATURE HORSE RANCH, respectfully move for the entry of the foregoing Stipulated Order of Taking and Final Judgment this 30th day of September, 2021.

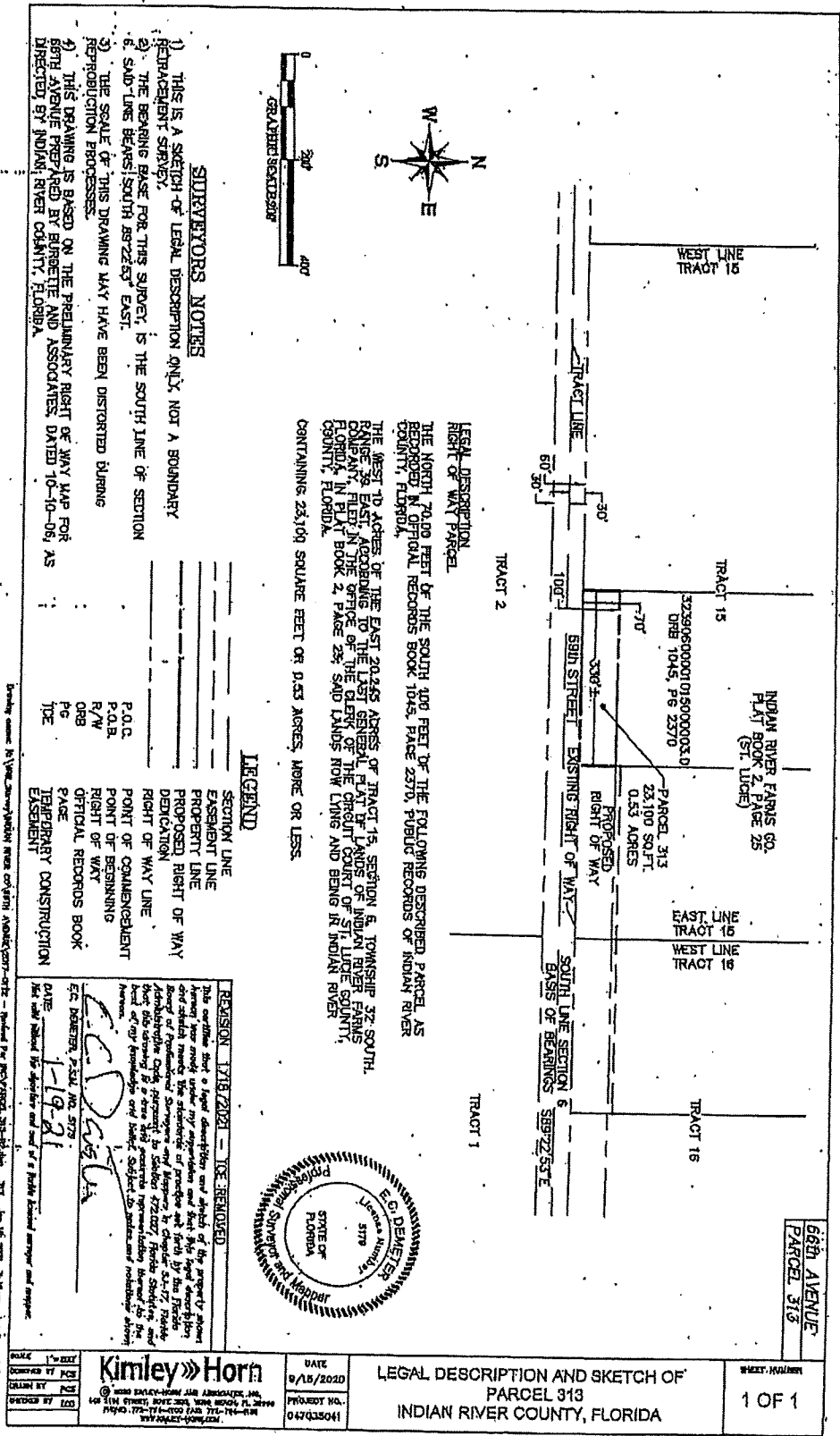


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West Palm Beach, Florida 33401
doney@caldwellpacetti.com
e-services@caldwellpacetti.com
Florida Bar No. 237086



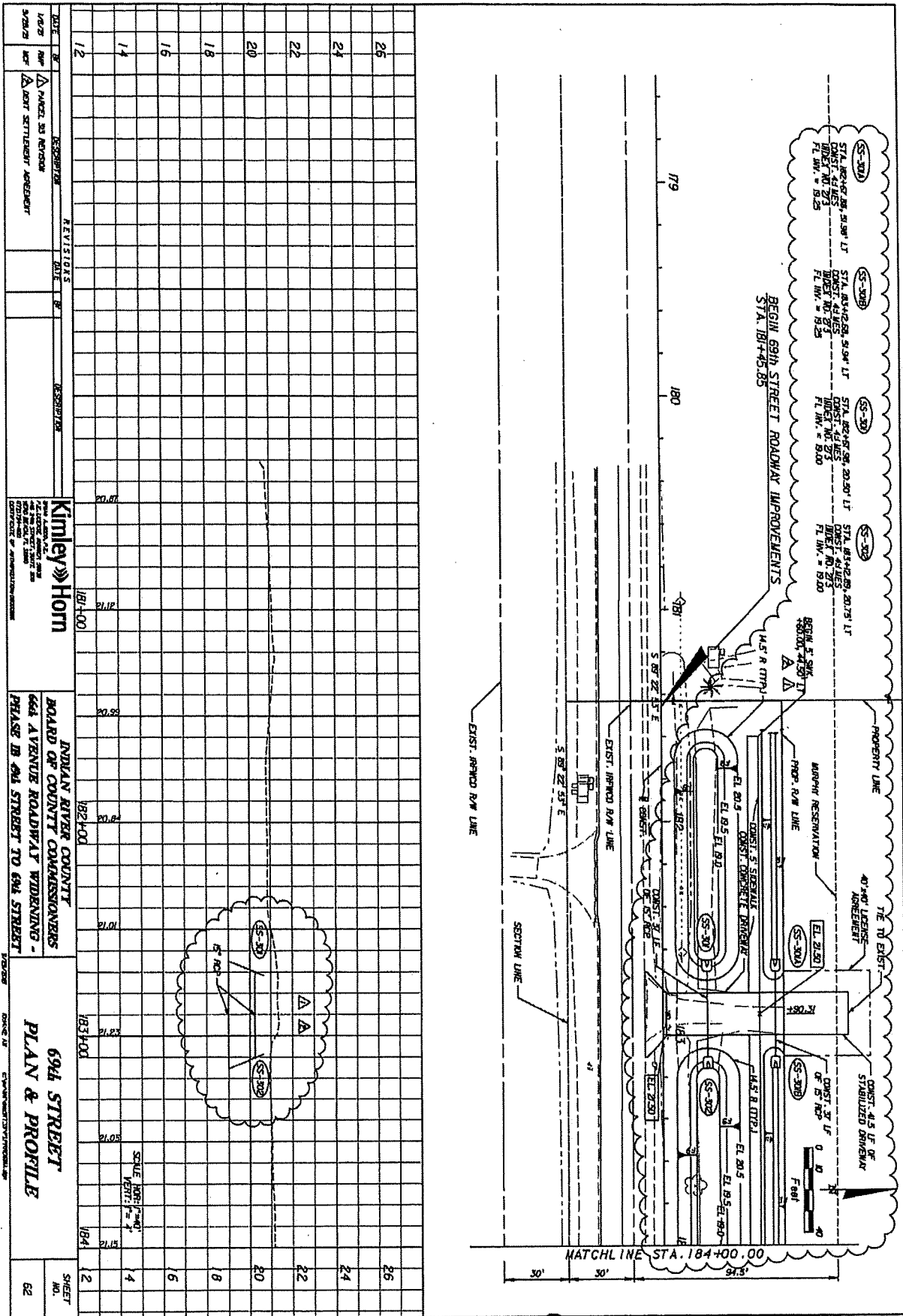
David W. Holloway, Esq.
10764 70th Avenue, Suite 6206
Seminole, Florida 33772
Telephone: 727-362-5126
David@dwHPA.com
pleadings@dwHPA.com
Florida Bar No. 304750

William K. Debraal, Esq.
1801 27th Street
Vero Beach, FL 32960
Telephone: (772) 226-1424
bdebraal@ircgov.com
Florida Bar No. 901679



A TRUE COPY
CERTIFICATION ON LAST PAGE
J.R. SMITH, CLERK

EXHIBIT " A "



DATE	BY	REVISIONS	DATE	BY	REVISIONS
1/27/23	RF	APPROVED FOR RECORD			
9/20/23	RF	AS-BUILT SETTLEMENT RECORD			

STATION	ELEVATION
179	20.87
180	21.71
181+00	20.50
182	21.15
183	21.71
183+00	21.05
184	21.15

STATION	ELEVATION
179	20.87
180	21.71
181+00	20.50
182	21.15
183	21.71
183+00	21.05
184	21.15

STATION	ELEVATION
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181+00	20.50
182	21.15
183	21.71
183+00	21.05
184	21.15

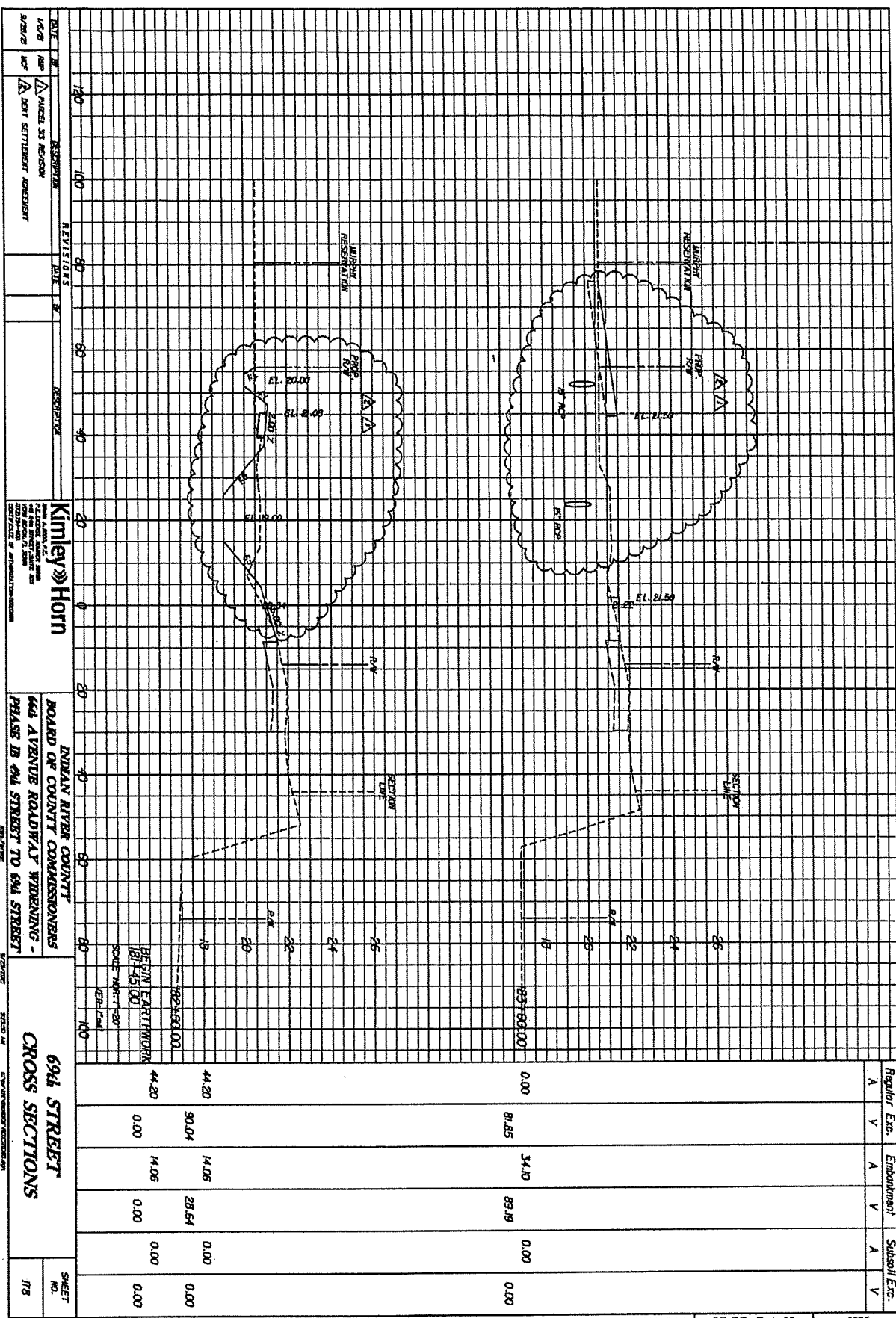
Kimley-Horn
 PROFESSIONAL ENGINEERS
 1000 WEST 10TH AVENUE, SUITE 200
 DENVER, COLORADO 80202
 PHONE: 303.733.1100
 WWW.KIMLEY-HORN.COM

INDIAN RIVER COUNTY
 BOARD OF COUNTY COMMISSIONERS
 664 AVENUE ROADWAY WIDENING -
 PHASE 1B 69th STREET TO 69th STREET

69th STREET
 PLAN & PROFILE

SHEET NO. 62

EXHIBIT "B"



DATE	BY	REVISION	DATE	BY	REVISION
1/5/20	RUP	ADDED TO REGION			
2/20/20	MP	DEBT SETTLEMENT AGREEMENT			

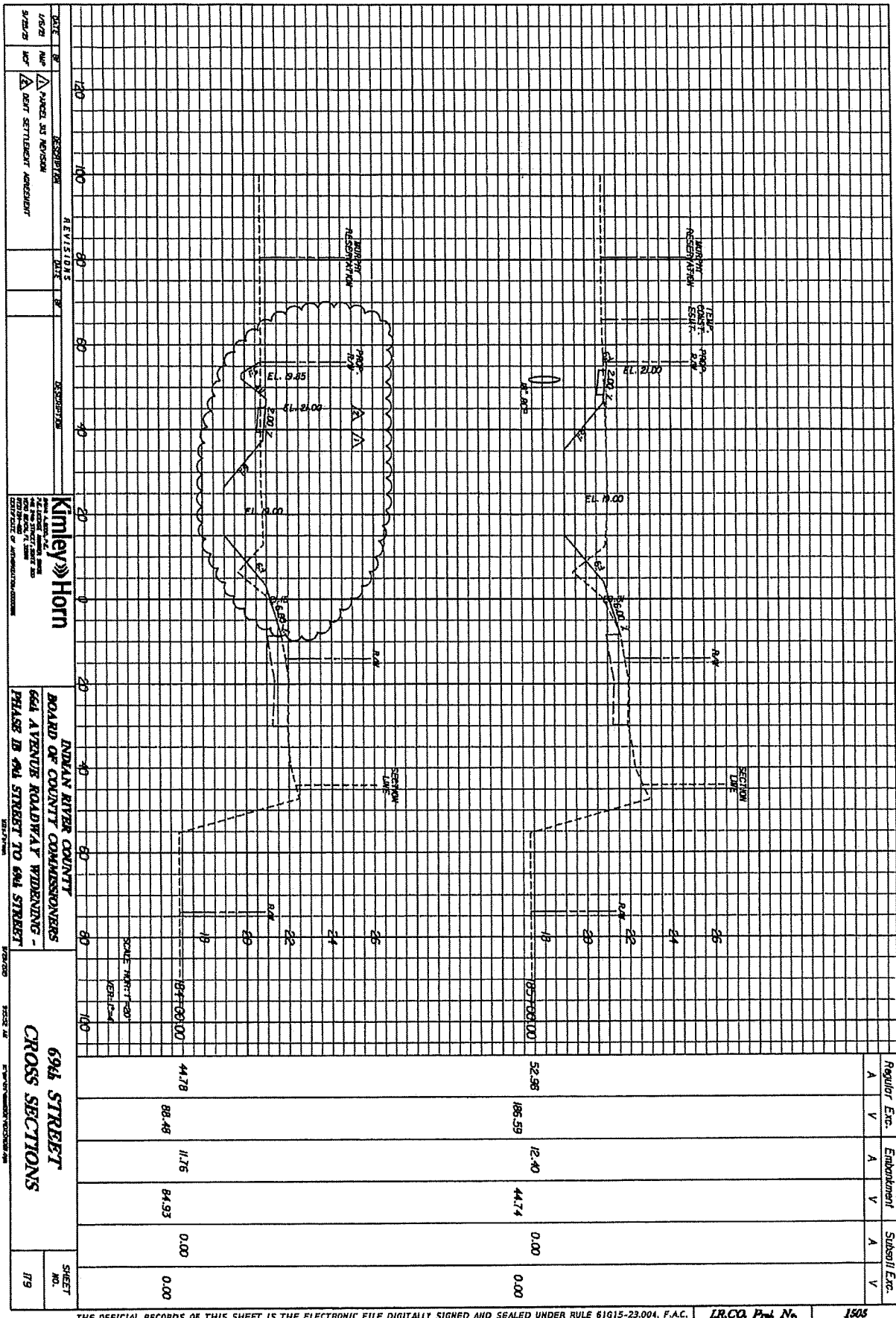
Kimley-Horn
 7140 E. 10th Avenue, Suite 200
 Denver, CO 80231
 303.751.1000
 www.kimley-horn.com

INDIAN RIVER COUNTY
 BOARD OF COUNTY COMMISSIONERS
 666 AVENUE ROADWAY WIDENING -
 PHASE 1B 694 STREET TO 694 STREET

694 STREET
CROSS SECTIONS

SHEET NO. 178

Station	Regular	Exc.	Embankment	Subtotal	Exc.
	A	V	A	V	A
89+93.00	0.00	81.85	34.10	89.19	0.00
89+93.00	44.20	90.04	14.05	28.64	0.00
89+93.00	44.20	0.00	14.05	0.00	0.00



DATE	BY	DESCRIPTION
1/26/21	MM	PARCEL AS NOTED
9/28/20	MM	DEPT SETTLEMENT AGREEMENT

REVISIONS	DATE	BY	DESCRIPTION

Kimley-Horn
 CONSULTING ENGINEERS
 1000 WEST 10TH AVENUE, SUITE 200
 DENVER, COLORADO 80202
 PHONE: 303.733.8800
 WWW.KIMLEY-HORN.COM

INDIAN RIVER COUNTY
 BOARD OF COUNTY COMMISSIONERS
 654 AVENUE ROADWAY WIDENING -
 PHASE 1B 69th STREET TO 64th STREET

69th STREET
 CROSS SECTIONS

SHEET NO.	OF
179	179

Regular Exc.	Embankment	Subsoil Exc.
44.78	11.76	0.00
88.48	84.93	0.00
52.98	12.40	0.00
185.59	44.74	0.00

SERVICE LIST

Parcel 303

Ken Chesnut
c/o Michael R. Whitt, Esq
2400 First Street, Suite 300
Ft. Myers, Florida 33901
mwhitt@hahnlaw.com

Florida Power & Light Company
(Easement at ORB 3958, page 1365)
Serve: David M. Lee, Resident Agent
700 Universe Blvd.
Juno Beach, Florida 33408

Parcel 313

Johnny C. Dent (Owner)
c/o David Holloway, Esq.
10764 70th Avenue, #6206
Seminole, Florida 33772
David@dwHPA.com

Jackie L. Dent (Owner)
c/o David Holloway, Esq.
10764 70th Avenue, #6206
Seminole, Florida 33772
David@dwHPA.com

Johnny C. Dent and Jackie L. Dent
d/b/a Dent Family Miniature Horse Ranch
c/o David Holloway, Esq
10764 70th Avenue, #6206
Seminole, Florida 33772
David@dwHPA.com

Parcel 316

Maria Mandina (Owner)
c/o David Holloway, Esq
10764 70th Avenue, #6206
Seminole, Florida 33772
David@dwHPA.com

Leonardo Mandina (Owner)
c/o David Holloway, Esq.
10764 70th Avenue, #6206
Seminole, Florida 33772
David@dwHPA.com

Hacienda Del Sol Andalusians, LLC (Tenant)
c/o David Holloway, Esq.
10764 70th Avenue, #6206
Seminole, Florida 33772
David@dwHPA.com

PNC Mortgage, a division of PNC Bank
(Mortgagee ORB 2889, page 2452)
c/o Aldridge/Pite, LLP
1615 South Congress Avenue, Suite 200
Delray Beach, FL 33445
ServiceMail@aldridgepite.com

As to All Parcels:

CAROLE JEAN JORDAN
Tax Collector, Indian River County
c/o Robert C. Nall, Esq.
1800 27th Street, Building B
Vero Beach, Florida 33960
rcn@nallpa.com
pleadings@dwHPA.com
robertnall@gmail.com