

Filing # 195893917 E-Filed 04/10/2024 12:58:59 PM

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

312022CA000089XXXXXX

STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION,

CIVIL ACTION NO.: 2022-CA-000089
PARCEL NOS.: 110, 701, 811

Petitioner,

-vs-

JORDAN SPRINKLER SYSTEMS, INC.,
a Florida corporation, et al.,

Defendants.

_____ /

STIPULATED FINAL JUDGMENT

THIS CAUSE having come before the Court upon the Joint Motion for Entry of Stipulated Final Judgement as set forth below, entered into by Petitioner, State of Florida, Department of Transportation (“FDOT”) and Defendant, Jordan Sprinkler Systems, Inc. (“Jordan”), and the Court being fully advised in the premises it is therefore, **ORDERED AND ADJUDGED:**

1. This Court has jurisdiction of this action, of the subject property, and of the parties in this cause pursuant to Chapters 73 and 74, Florida Statutes.

2. Jordan shall have and recover from FDOT the sum of SEVEN HUNDRED NINETY THOUSAND DOLLARS AND ZERO CENTS (\$790,000.00) in full satisfaction for the taking of parcels 110, 701, and 811, including business damages and all damages or claims of any nature against Petitioner arising therefrom, exclusive of all attorney’s fees, expert fees, and costs.

3. FDOT shall pay Jordan the sum of ONE HUNDRED EIGHT THOUSAND FIVE HUNDRED FIFTY DOLLARS AND ZERO CENTS (\$108,550.00) in full settlement and satisfaction of all attorneys’ fees and costs in this case, pursuant to § 73.091.

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4. FDOT shall pay Jordan the sum of ONE HUNDRED SIXTEEN THOUSAND FOUR HUNDRED FIFTY DOLLARS AND TWENTY-FIVE CENTS (\$116,450.25) for expert witness fees and costs.

5. Petitioner, having previously deposited the sum of FOUR HUNDRED FIFTY-THREE THOUSAND FOUR HUNDRED DOLLARS AND ZERO CENTS (\$453,400.00) into the court registry on August 11, 2022, shall receive credit for such.

6. Within sixty (60) days of receipt by FDOT of a conformed copy of this Stipulated Final Judgment, FDOT shall issue a check made payable to the David W. Barkett PA Trust Account in the amount of FIVE HUNDRED SIXTY-ONE THOUSAND SIX HUNDRED DOLLARS AND TWENTY-FIVE CENTS (\$561,600.25), which represents the sum of SEVEN HUNDRED NINETY THOUSAND DOLLARS AND ZERO CENTS (\$790,000.00) for full compensation, ONE HUNDRED EIGHT THOUSAND FIVE HUNDRED FIFTY DOLLARS AND ZERO CENTS (\$108,550.00) for attorneys' fees, and ONE HUNDRED SIXTEEN THOUSAND FOUR HUNDRED FIFTY DOLLARS AND TWENTY-FIVE CENTS (\$116,450.25) for expert witness fees and costs, less a credit for FOUR HUNDRED FIFTY-THREE THOUSAND FOUR HUNDRED DOLLARS AND ZERO CENTS (\$453,400.00) previously deposited in the Court's Registry, and shall mail said check via U.S. Mail to, Barkett Law, c/o Mickey R.E. Barkett, Esq., 1005 Delridge Avenue, Orlando, Florida 32804, which represents the sum of the amounts agreed to in paragraphs (2) through (4) of this Stipulated Final Judgment.

7. The vesting of title in Petitioner in and to Parcels 110, 701, and 811, as described in Exhibit "A" attached hereto, is hereby approved, ratified and confirmed.

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8. Defendant, Jordan, shall seek no further monies from FDOT, except for reasonable attorneys' fees, expert fees, and costs for supplemental proceedings, if any, as provided in §§ 73.091, 73.092, Florida Statutes.

9. This Stipulated Final Judgment is based on FDOT utilizing Parcels 110, 701, and 811 pursuant to its project specifications and plans attached hereto as "Exhibit B," as said specifications and plans relate to Parcels 110, 701, and 811. Accordingly, if the project is not constructed as represented on "Exhibit B", notwithstanding anything in this Stipulated Final Judgment to the contrary, Jordan shall have the same remedies, including fees and costs, as would have been afforded to it had the case been resolved by verdict with said plans and specifications having been made a part of the record at trial. *Cent. & S. Fla. Flood Control Dist. v. Wye River Farms, Inc.*, 297 So. 2d 323 (Fla. 4th DCA 1974), *cert. denied*, 310 So. 2d 745 (Fla. 1975).

10. The Court reserves jurisdiction to enforce the terms of this Stipulated Final Judgment and for any supplemental proceedings arising therefrom, including any attorneys' fees, expert fees, and costs, pursuant to §§ 73.091, 73.092, Florida Statutes.

DONE AND ORDERED this 10th day of April 2024, in chambers in Vero Beach, Indian River County, Florida.


CIRCUIT COURT JUDGE

cc: All counsel of record.

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IN THE CIRCUIT COURT OF
THE 19TH JUDICIAL CIRCUIT IN, AND
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STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION,

CIVIL ACTION NO.: 2022-CA-000089
PARCEL NOS.: 110, 701, 811

Petitioner,

-vs-

JORDAN SPRINKLER SYSTEMS, INC.,
a Florida corporation, et al.,

Defendants.

_____ /

JOINT MOTION

Petitioner STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, and Defendant Jordan Sprinkler Systems, Inc., together move for entry of the foregoing **Stipulated Final Judgment**. The undersigned counsels are authorized to enter into this Joint Motion.

Agreed to this ____ day of April 2024.

<p>Florida Department of Transportation</p> <p>By: <u>/s/ Ronnie Adili</u> Ronnie Adili, Esq. Florida Bar No. 140473 Attorney for Petitioner Florida Department of Transportation Office of the General Counsel 3400 West Commercial Boulevard Fort Lauderdale, FL 33309-3437 Telephone: (954) 777-4529 Fax: (954) 777-4528 ronnie.adili@dot.state.fl.us d4-ogcservice@dot.state.fl.us marie.damas@dot.state.fl.us</p>	<p>Barkett Law</p> <p>By: <u>/s/ Mickey R. E. Barkett</u> Mickey R. E. Barkett, Esq. Florida Bar No. 235120 Attorney for Jordan Sprinkler Systems, Inc. 1005 Delridge Avenue Orlando, FL 32804-3560 Telephone: (407) 403-6429 Fax: (407) 479-3650 mbarkett@barkettlaw.com cborling@barkettlaw.com</p>
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SERVICE LIST

Page 1 of 1

Jordan Sprinkler Systems, Inc., a Florida corporation

Mickey R.E. Barkett, Esquire

Barkett Law

mbarkett@barkettlaw.com

cborling@barkettlaw.com

Brightview Landscape Services, Inc., a Florida corporation

Fred S. Werdine, Esquire

Shutts & Bowen, LLP

fwerdine@shutts.com

dnowlin@shutts.com

Florida Community Bank, N.A., National Association

Serve: Kent S. Ellert, as President and CEO

2500 Weston Road, Suite 300

Weston, FL 33331

Glisson & Company, Inc., a Florida corporation

Serve: Billie Glisson, as registered agent

2435 1st Place

Vero Beach, FL 32962

Indian River County, a Political Subdivision of the State of Florida

Robert C Nall, Esquire, as Attorney for

Indian River County, Carole Jean Jordan, as **County Tax Collector**

rcn@nallpa.com

As to interest, if any, in and to any parcel included herein

Indian River County, a Political Subdivision of the State of Florida

William K. Debraal, Esquire, as Attorney for

e-service@ircgov.com

bdebraal@ircgov.com

As to interest, if any, in and to any parcel included herein

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EXHIBIT “A”

31-2022-CA-000089-XXXX-XX

Item/Segment No. 4315211
Section No. 88601-2505
07-06-20

Fee Simple Right of Way

Parcel No. 110 County Road 606 Indian River County Description

A portion of Tract 14, PLAT OF INDIAN RIVER FARMS CO., according to the plat thereof, as recorded in Plat Book 2, Page 25, of the Public Records of St. Lucie (now Indian River) County, Florida, lying in the Southwest One-Quarter (SW 1/4) of Section 20, Township 33 South, Range 39 East, as shown on Sheet 7 of the Florida Department of Transportation Right of Way Map of County Road 606 (Oslo Road / 9th Street SW), Item/Segment No. 4315211, Section 88601-2505, being more particularly described as follows:

Commence at a railroad spike, found marking the Southwest Corner of said Section 20 and a point on the Baseline of Survey of said County Road 606 (Oslo Road / 9th Street SW); thence South 89°29'47" East along the South line of said Section 20 and said Baseline of Survey of County Road 606 (Oslo Road / 9th Street SW), a distance of 1,327.38 feet; thence North 00°30'13" East along a line at a right angle to the previously described course, a distance of 60.00 feet to a point on the Northerly Existing Right of Way line of said County Road 606 (Oslo Road / 9th Street SW) and a point on the Westerly line of said Tract 14 and the POINT OF BEGINNING; thence South 89°29'47" East along said Northerly Existing Right of Way line of County Road 606 (Oslo Road / 9th Street SW), a distance of 652.81 feet; thence North 00°15'15" East, a distance of 107.00 feet; thence North 89°29'47" West, a distance of 652.81 feet to a point on said Westerly line of Tract 14; thence South 00°15'15" West along said Westerly line of Tract 14, a distance of 107.00 feet to the POINT OF BEGINNING.

Containing 1.604 acres, more or less.

OWNED BY: Jordan Sprinkler Systems, Inc., a Florida corporation.

SUBJECT TO: Note Renewal and Mortgage recorded in Indian River County in O.R. Book 2678 at Page 1511 in favor of: Florida Community Bank, N.A., a National Association f/k/a Premier American Bank, N.A., National Association.

Assignment of Lease and Rents recorded in Indian River County in O.R. Book 2678 at Page 1519 in favor of: Florida Community Bank, N.A., a National Association f/k/a Premier American Bank, N.A., National Association.

Promissory Note Renewal Mortgage Modification Agreement recorded in Indian River County in O.R. Book 3127 at Page 1143 in favor of: Florida Community Bank, N.A., a National Association f/k/a Premier American Bank, N.A., National Association.

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Item/Segment No. 4315211

Fee Simple Right of Way

Section No. 88601-2505

07-06-20

Parcel No. 110

County Road 606

Indian River County

Description

Interest, if any, of Brightview Landscape Services, Inc., a Florida corporation.

Interest, if any, of Glisson & Company, Inc., a Florida corporation.

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Item/Segment No. 4315211
 Section No. 88601-2505
 07-06-20

Perpetual Easement

Parcel No. 811	County Road 606	Indian River County	Description
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A portion of Tract 14, PLAT OF INDIAN RIVER FARMS CO., according to the plat thereof, as recorded in Plat Book 2, Page 25, of the Public Records of St. Lucie (now Indian River) County, Florida, lying in the Southwest One-Quarter (SW 1/4) of Section 20, Township 33 South, Range 39 East, as shown on Sheet 7 of the Florida Department of Transportation Right of Way Map of County Road 606 (Oslo Road / 9th Street SW), Item/Segment No. 4315211, Section 88601-2505, being more particularly described as follows:

Commence at a railroad spike, found marking the Southwest Corner of said Section 20 and a point on the Baseline of Survey of said County Road 606 (Oslo Road / 9th Street SW); thence South 89°29'47" East along the South line of said Section 20 and said Baseline of Survey of County Road 606 (Oslo Road / 9th Street SW), a distance of 1,327.38 feet; thence North 00°30'13" East along a line at a right angle to the previously described course, a distance of 60.00 feet to a point on the Northerly Existing Right of Way line of said County Road 606 (Oslo Road / 9th Street SW) and a point on the Westerly line of said Tract 14; thence North 00°15'15" East along said Westerly line of Tract 14, a distance of 107.00 feet to the POINT OF BEGINNING; thence continue North 00°15'15" East along said Westerly line of Tract 14, a distance of 28.50 feet; thence South 89°29'47" East, a distance of 13.76 feet; thence South 00°15'15" West, a distance of 28.50 feet; thence North 89°29'47" West, a distance of 13.76 feet to the POINT OF BEGINNING.

Containing 392 square feet, more or less.

AND

A portion of Tract 14, PLAT OF INDIAN RIVER FARMS CO., according to the plat thereof, as recorded in Plat Book 2, Page 25, of the Public Records of St. Lucie (now Indian River) County, Florida, lying in the Southwest One-Quarter (SW 1/4) of Section 20, Township 33 South, Range 39 East, as shown on Sheet 7 of the Florida Department of Transportation Right of Way Map of County Road 606 (Oslo Road / 9th Street SW), Item/Segment No. 4315211, Section 88601-2505, being more particularly described as follows:

Commence at a railroad spike, found marking the Southwest Corner of said Section 20 and a point on the Baseline of Survey of said County Road 606 (Oslo Road / 9th Street SW); thence South 89°29'47" East along the South line of said Section 20 and said Baseline of Survey of County Road 606 (Oslo Road / 9th Street SW), a distance of 1,979.93 feet; thence North 00°30'13" East along a line at a right angle to the previously described course, a distance of 120.00 feet to a point on the Northerly Existing Right of Way line of said County Road 606 (Oslo Road / 9th Street SW); thence North 00°15'15" East, a distance of 47.00 feet to the POINT OF BEGINNING; thence North 89°29'47" West, a distance of 13.91 feet; thence North

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Item/Segment No. 4315211
Section No. 88601-2505
07-06-20

Perpetual Easement

Parcel No. 811 County Road 606 Indian River County Description

00°15'15" East, a distance of 28.50 feet; thence South 89°29'47" East, a distance of 13.91 feet; thence South 00°15'15" West, a distance of 28.50 feet to the POINT OF BEGINNING.

Containing 396 square feet, more or less.

All together containing 788 square feet, more or less.

A perpetual easement for the purpose of constructing and maintaining a drainage structure and pipe upon and through the above described property, together with the right of access, ingress, and egress, along with any other incidences necessary or convenient in connection therewith.

OWNED BY: Jordan Sprinkler Systems, Inc., a Florida corporation.

SUBJECT TO: Note Renewal and Mortgage recorded in Indian River County in O.R. Book 2678 at Page 1511 in favor of: Florida Community Bank, N.A., a National Association f/k/a Premier American Bank, N.A., National Association.

Assignment of Lease and Rents recorded in Indian River County in O.R. Book 2678 at Page 1519 in favor of: Florida Community Bank, N.A., a National Association f/k/a Premier American Bank, N.A., National Association.

Promissory Note Renewal Mortgage Modification Agreement recorded in Indian River County in O.R. Book 3127 at Page 1143 in favor of: Florida Community Bank, N.A., a National Association f/k/a Premier American Bank, N.A., National Association.

Interest, if any, of Brightview Landscape Services, Inc., a Florida corporation.

Interest, if any, of Glisson & Company, Inc., a Florida corporation.

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Item/Segment No. 4315211
 Section No. 88601-2505
 04-22-21

Temporary Easement

Parcel No. 701 County Road 606 Indian River County Description

A portion of Tract 14, PLAT OF INDIAN RIVER FARMS CO., according to the plat thereof, as recorded in Plat Book 2, Page 25, of the Public Records of St. Lucie (now Indian River) County, Florida, lying in the Southwest One-Quarter (SW 1/4) of Section 20, Township 33 South, Range 39 East, as shown on Sheet 7 of the Florida Department of Transportation Right of Way Map of County Road 606 (Oslo Road / 9th Street SW), Item/Segment No. 4315211, Section 88601-2505, being more particularly described as follows:

Commence at a railroad spike, found marking the Southwest Corner of said Section 20 and a point on the Baseline of Survey of said County Road 606 (Oslo Road / 9th Street SW); thence South 89°29'47" East along the South line of said Section 20 and said Baseline of Survey of County Road 606 (Oslo Road / 9th Street SW), a distance of 1,327.38 feet; thence North 00°30'13" East along a line at a right angle to the previously described course, a distance of 60.00 feet to a point on the Northerly Existing Right of Way line of said County Road 606 (Oslo Road / 9th Street SW) and a point on the Westerly line of said Tract 14; thence North 00°15'15" East along said Westerly line of Tract 14, a distance of 107.00 feet to a point on the Northerly line of Parcel 110; thence South 89°29'47" East along said Northerly line of Parcel 110, a distance of 60.52 feet to the POINT OF BEGINNING; thence continue South 89°29'47" East, a distance of 125.00 feet; thence North 02°14'21" East, a distance of 33.02 feet; thence North 87°37'44" West, a distance of 92.05 feet; thence South 03°16'43" West, a distance of 20.52 feet; thence North 88°29'04" West, a distance of 28.01 feet; thence South 00°30'13" West, a distance of 12.00 feet; thence South 51°50'37" West, a distance of 6.40 feet to the POINT OF BEGINNING.

Containing 3,634 square feet, more or less.

A temporary easement for the purpose of demolition and removal of improvements within Parcel 110 associated with the septic system and cutting of the wooden access ramp and any work incidental to said activities for the safe clearing of the right of way connected therewith in County Road 606 (Oslo Road / 9th Street SW) adjacent thereto.

Together with such right of access to, through and upon owner's remaining property as is necessary to perform the aforementioned work. Grantee also is hereby given the right to apply for permits and variances on behalf of grantor with respect to the work referenced hereon.

It is understood and agreed by the parties hereto that the rights granted herein shall terminate upon completion of the work described herein, but no later than the last day of November 2022.

31-2022-CA-000089-XXXX-XX

Item/Segment No. 4315211

Temporary Easement

Section No. 88601-2505

04-22-21

Parcel No. 701	County Road 606	Indian River County	Description
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OWNED BY: Jordan Sprinkler Systems, Inc., a Florida corporation.

SUBJECT TO: Note Renewal and Mortgage recorded in Indian River County in O.R. Book 2678 at Page 1511 in favor of: Florida Community Bank, N.A., a National Association f/k/a Premier American Bank, N.A., National Association.

Assignment of Lease and Rents recorded in Indian River County in O.R. Book 2678 at Page 1519 in favor of: Florida Community Bank, N.A., a National Association f/k/a Premier American Bank, N.A., National Association.

Promissory Note Renewal Mortgage Modification Agreement recorded in Indian River County in O.R. Book 3127 at Page 1143 in favor of: Florida Community Bank, N.A., a National Association f/k/a Premier American Bank, N.A., National Association.

Interest, if any, of Brightview Landscape Services, Inc., a Florida corporation.

Interest, if any, of Glisson & Company, Inc., a Florida corporation.

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EXHIBIT “B”

31-2022-CA-000089-XXXX-XX

CONTRACT PLANS COMPONENTS

ALTERNATE PLANS
STUDIES AND PRELIMINARY PLANS
CONTRACT PLANS
UTILITY MAP PLANS
UTILITY NOT PLANS

INDEX OF ROADWAY PLANS

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1	KEY SHEET
2	DEVELOPMENT PLAN
3	SUMMARY OF SITE ITEMS
20	VERTICAL CURVATURE MAP (1:125)
21	EXISTING DRAINAGE STRUCTURE DATA
22	PROPOSED DRAINAGE MAP (1:125)
23	PROPOSED PROFILE
24	PROPOSED SECTION DETAIL
25	SUMMARY OF DRAINAGE STRUCTURES (1:125)
26	EXISTING WATERWAYS REGULATION
27	PROPOSED WATERWAYS
28	PROPOSED ROAD PROFILES (1:125)
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100	PROPOSED ROAD PROFILES (1:125)

These sheets are included in the index of 4300000 plans and are to be used as a part of the contract plans. These sheets are to be used as a part of the contract plans and are to be used as a part of the contract plans.

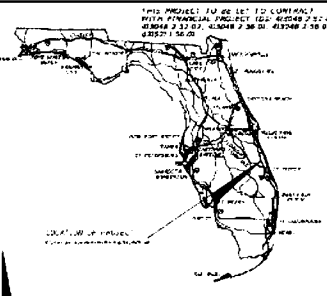
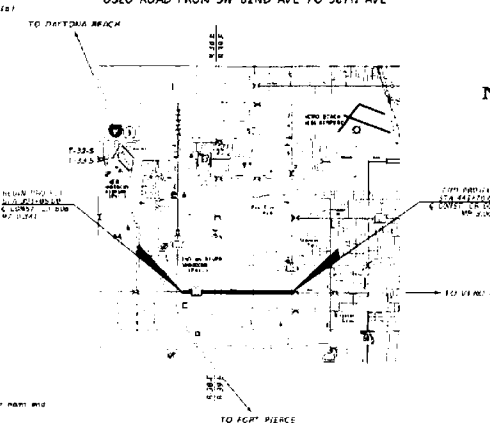
GOVERNING STANDARD PLANS.
Florida Department of Transportation, 1992 Standard Plans for Road and Bridge Construction and 2000 Standard Plans for Road and Bridge Construction.

GOVERNING STANDARD SPECIFICATIONS.
Florida Department of Transportation, 1992 Standard Specifications for Road and Bridge Construction and 2000 Standard Specifications for Road and Bridge Construction.

STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION

CONTRACT PLANS

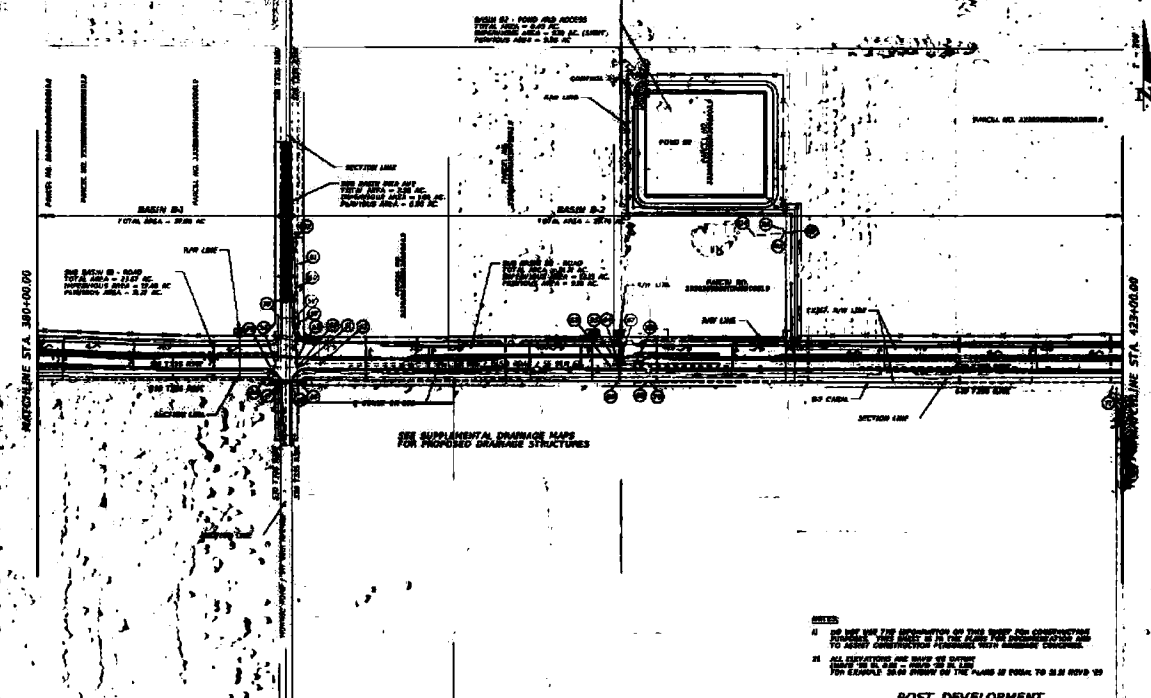
FINANCIAL PROJECT ID 431521-1-52-01 & 431521-1-52-02
(FFDRAI FUNDS)
INDIAN RIVER COUNTY (88601)
COUNTY ROAD NO. 606
USLO ROAD FROM SW 82ND AVE TO SW 81H AVE

ROADWAY PLANS
ENGINEER OF RECORD:
JAN N. BLANK, P.E. No. 50700
TRANSISTERS CONSULTING ENGINEERS
1000 W. GUNN HILL BLVD., SUITE 400
FORT LAUDERDALE, FL 33309
TEL: 954-882-8000
CONTRACT NO. 43089
LENGTH NO. 14348723

FDOT PROJECT MANAGER:
ANDREW SORRELL, PE

CONSTRUCTION CONTRACT NO.	FISCAL YEAR	SHEET NO.
14639	23	1



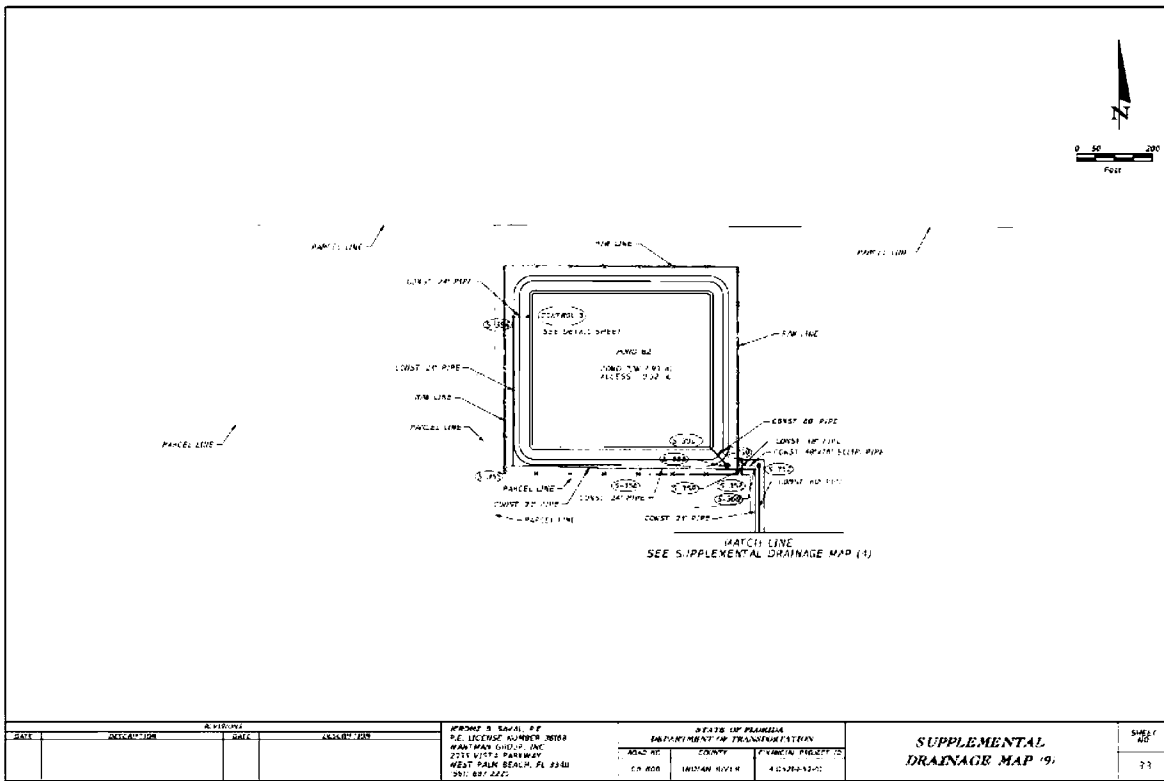
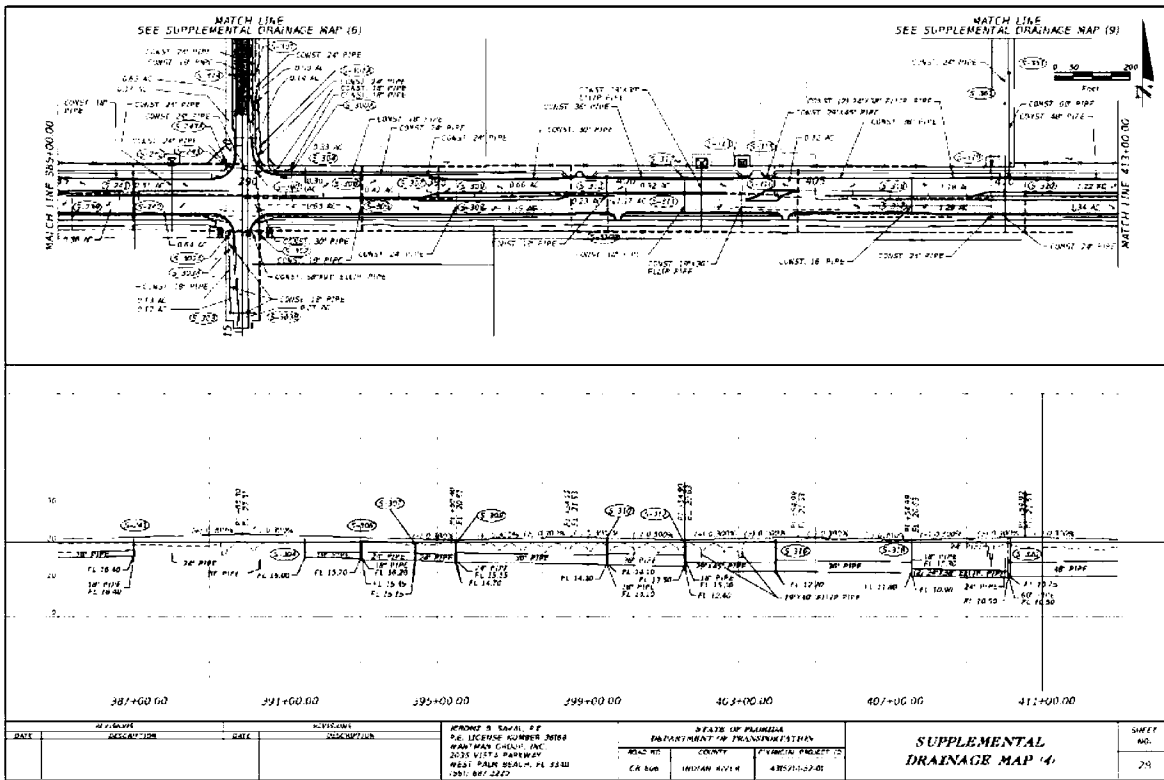
POST DEVELOPMENT

OVERALL DRAINAGE MAP (5)

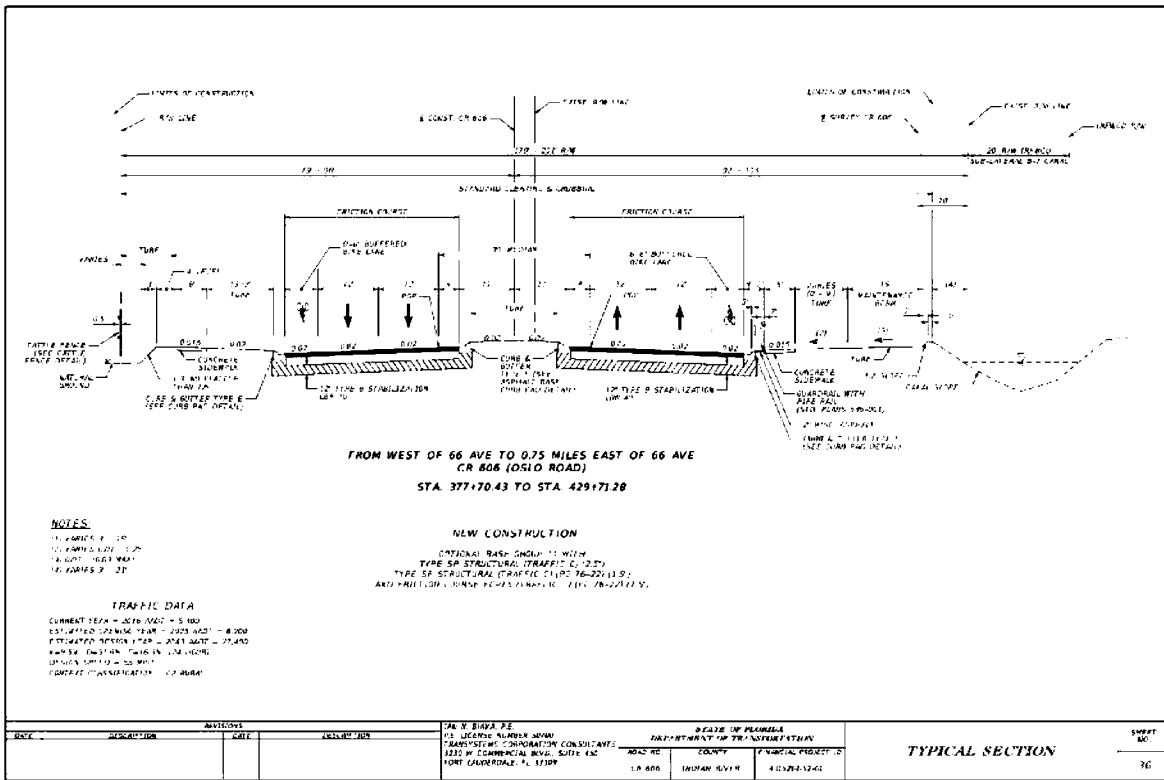
DATE	DESCRIPTION	BY	CHECKED BY	APPROVED BY	STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION	SHEET NO.
					STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION 2025 W. GUNN HILL BLVD., SUITE 400 FORT LAUDERDALE, FL 33309 TEL: 954-882-8000	22

14

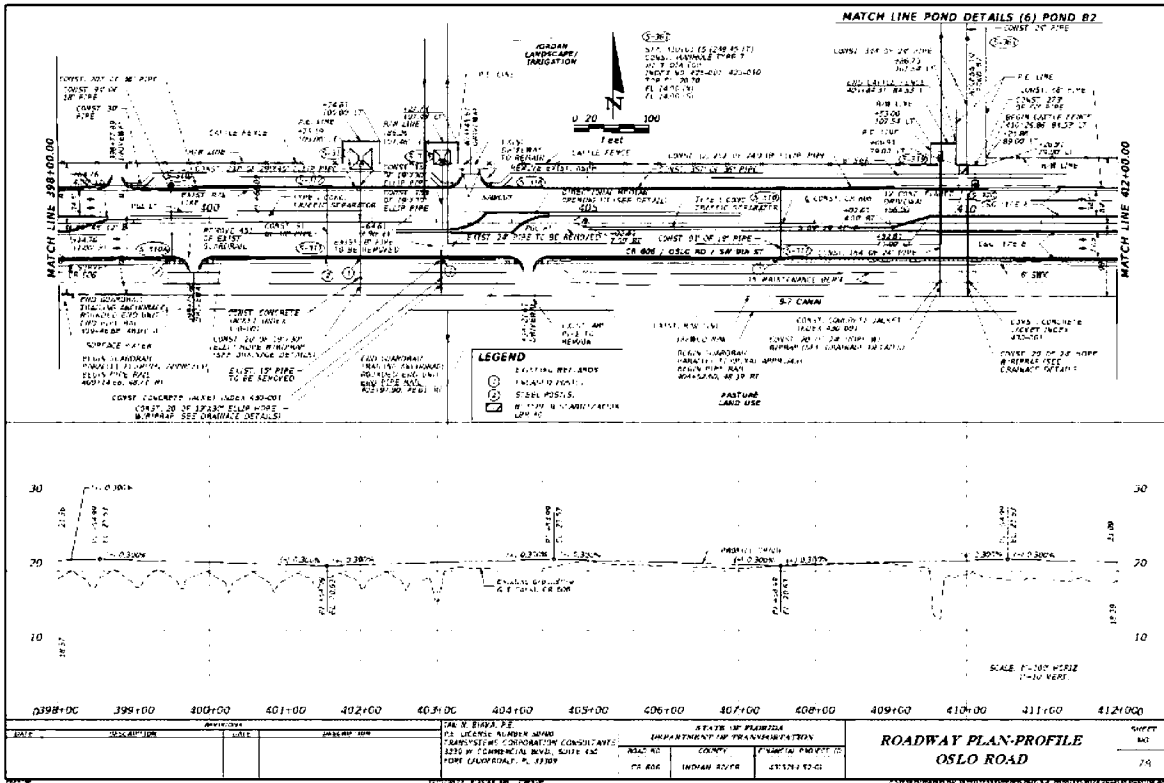
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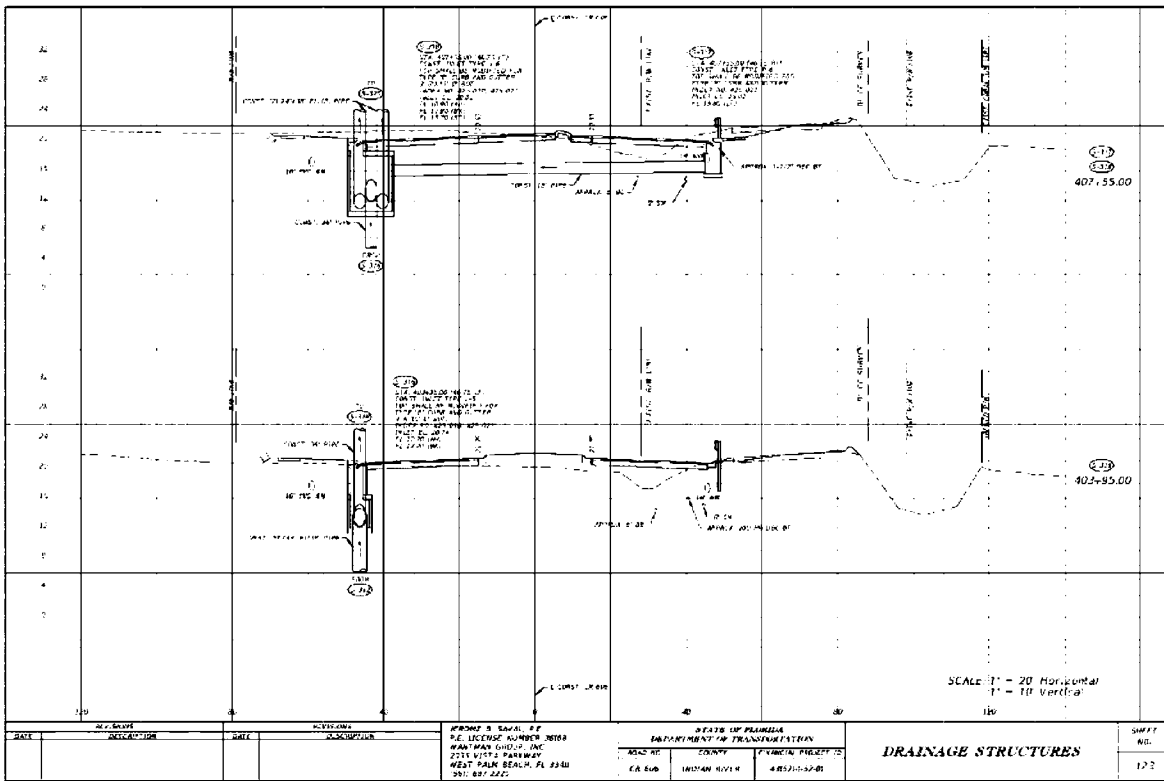
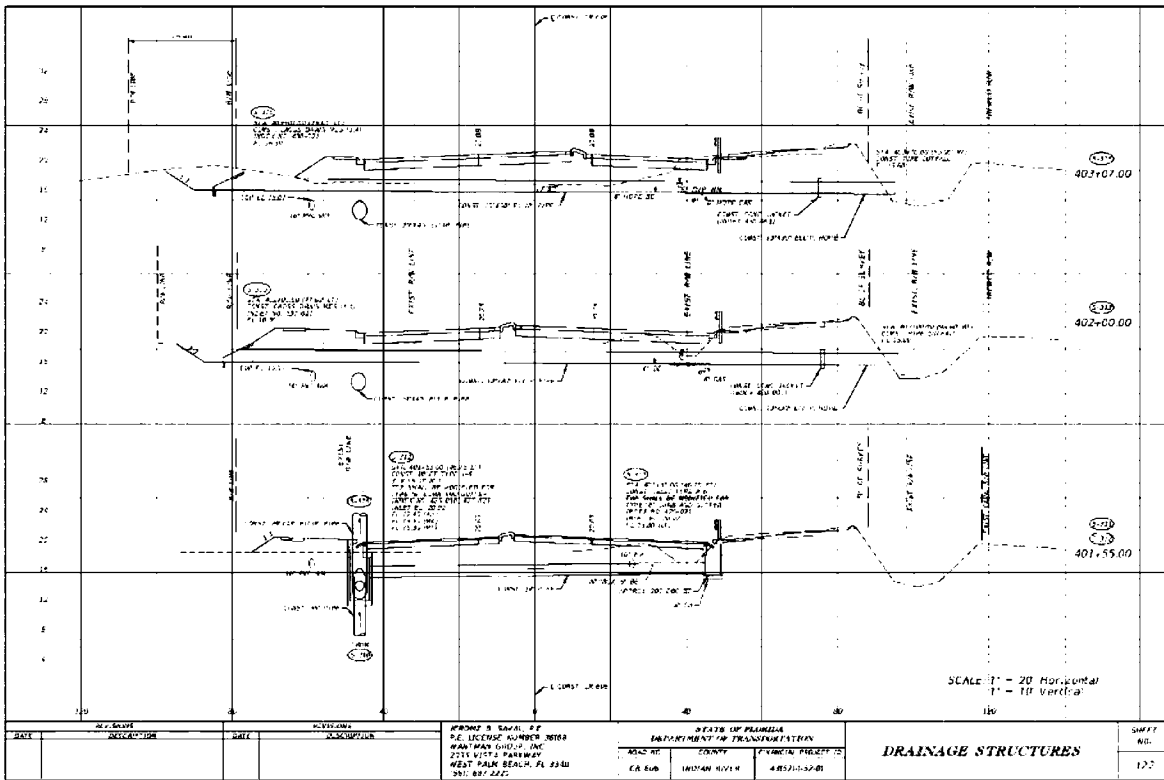


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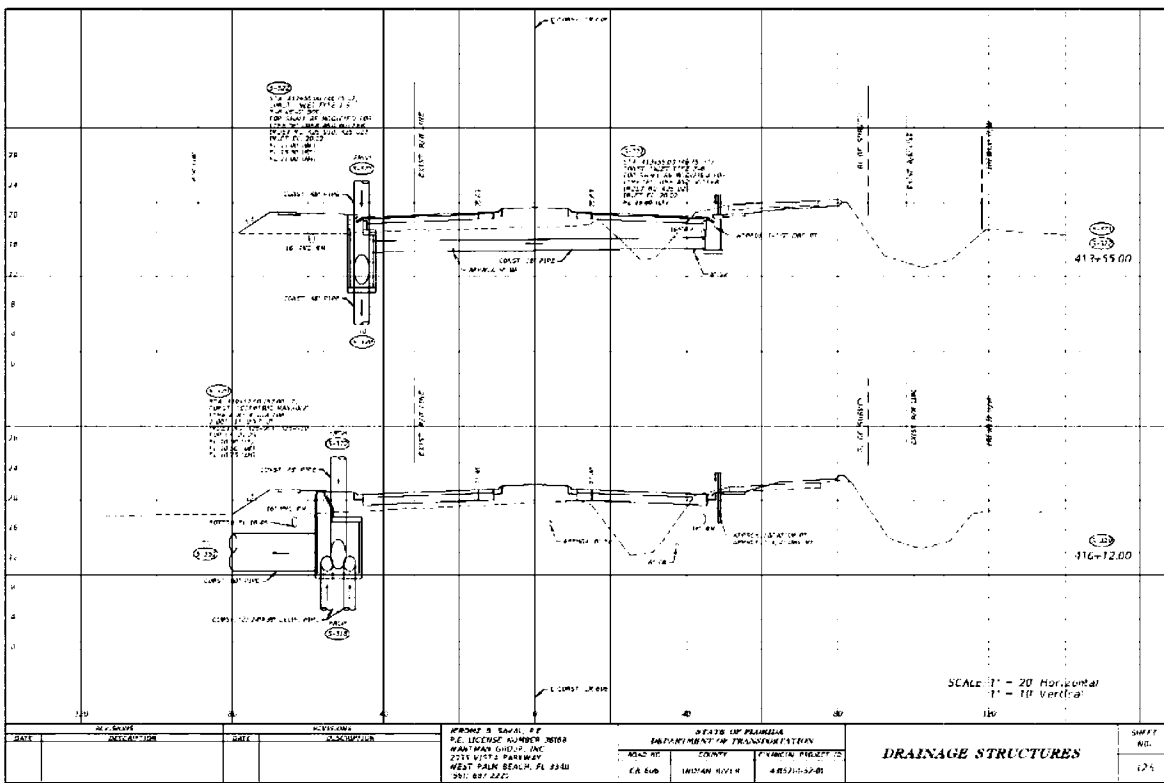
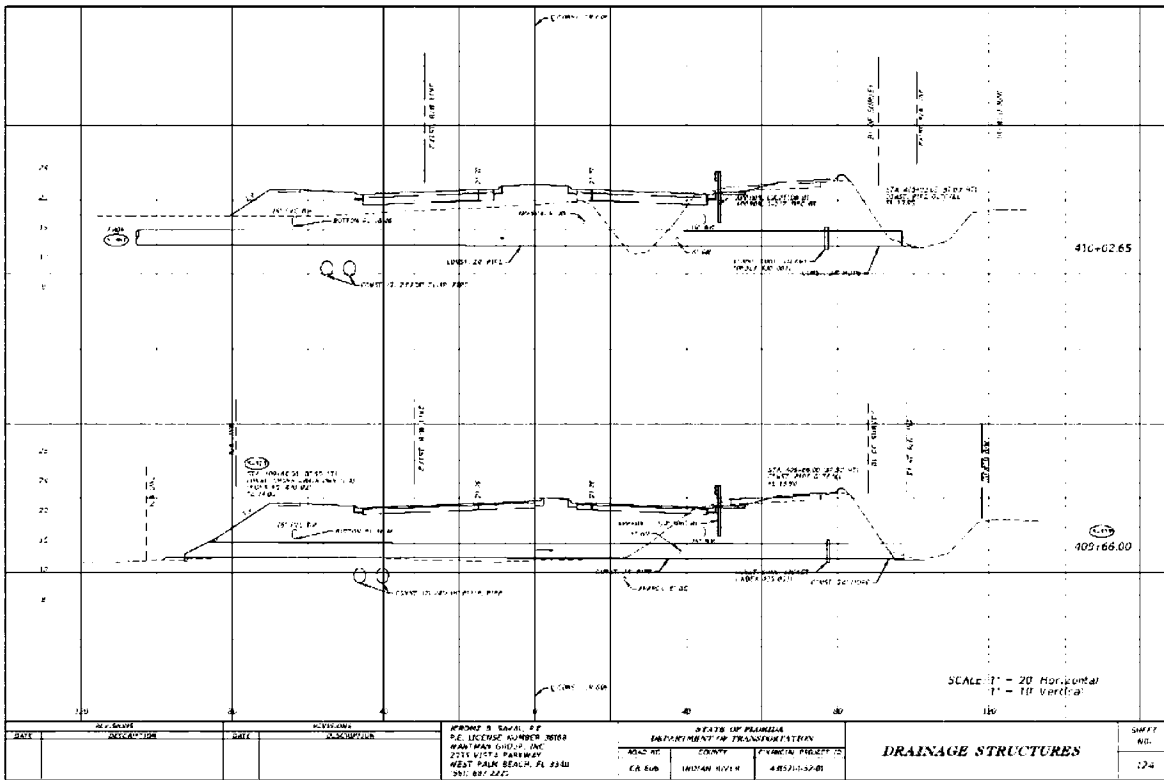


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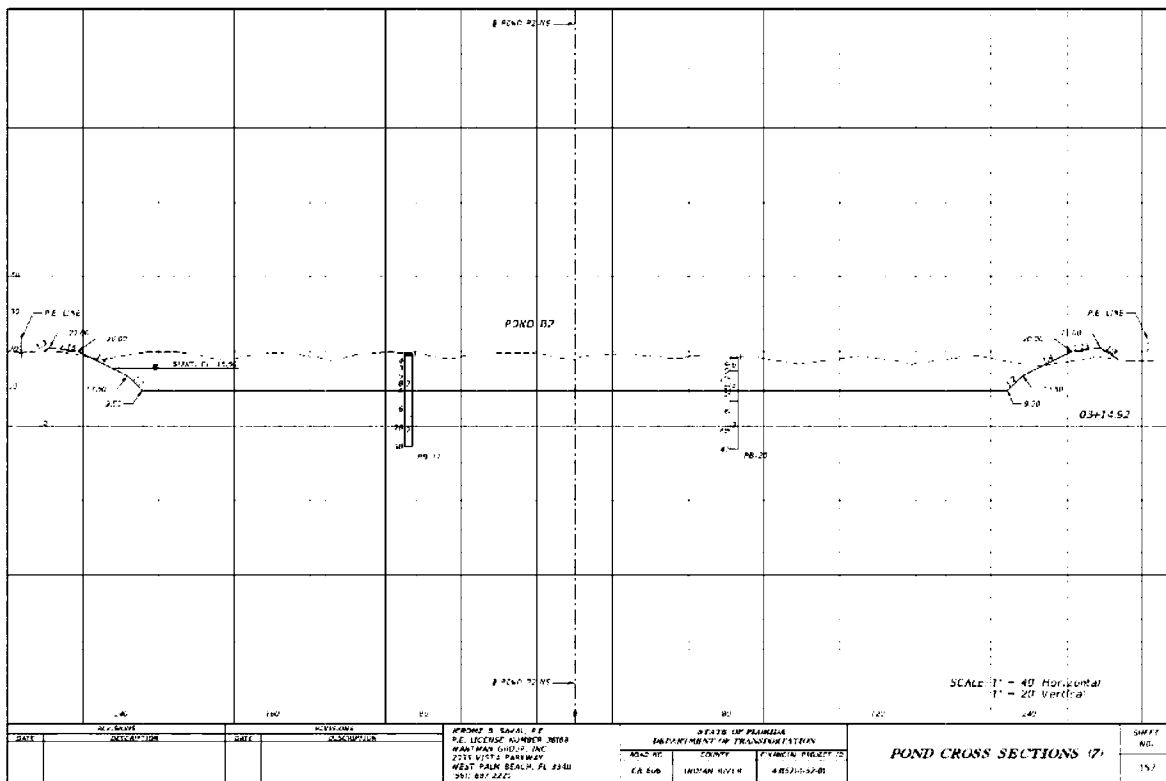
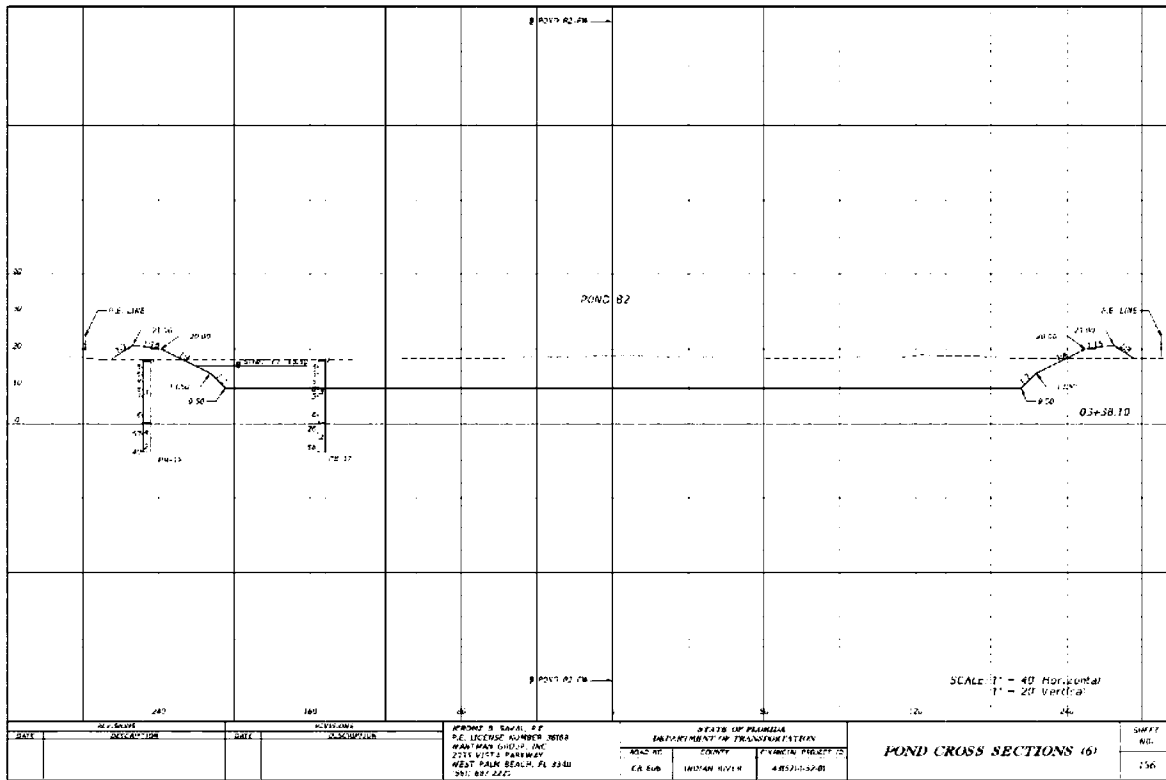
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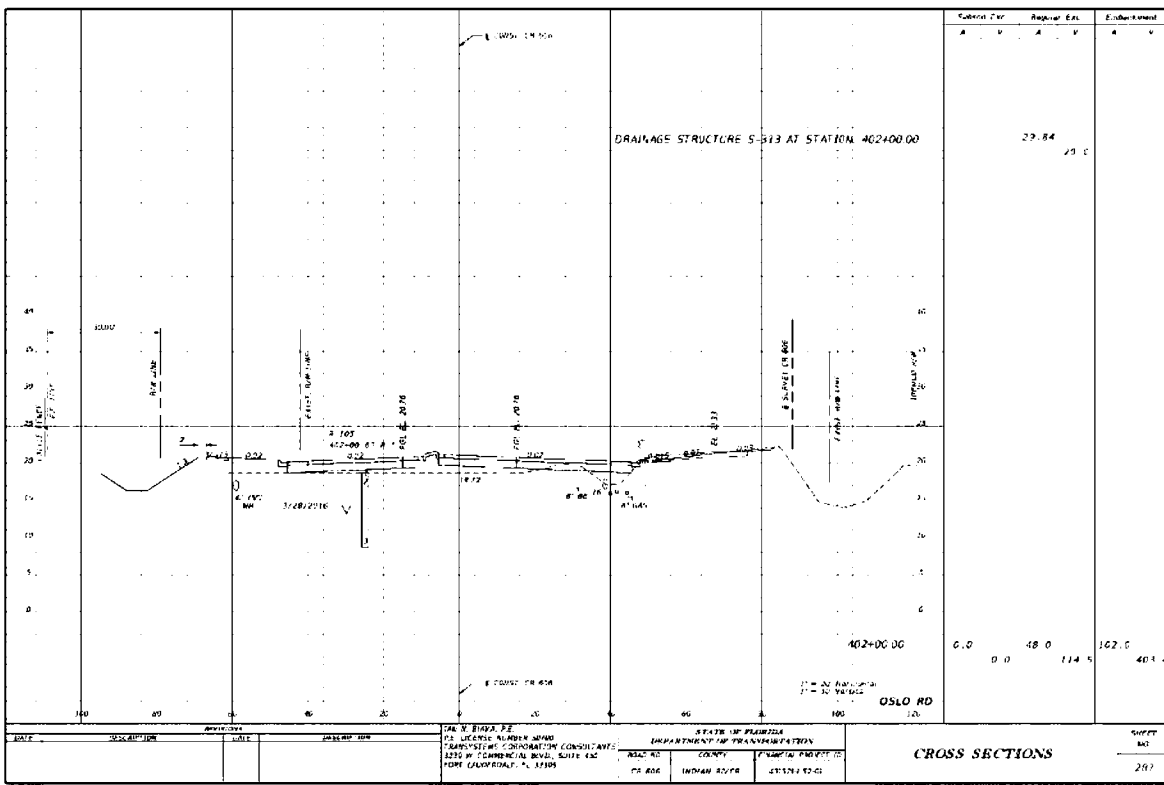
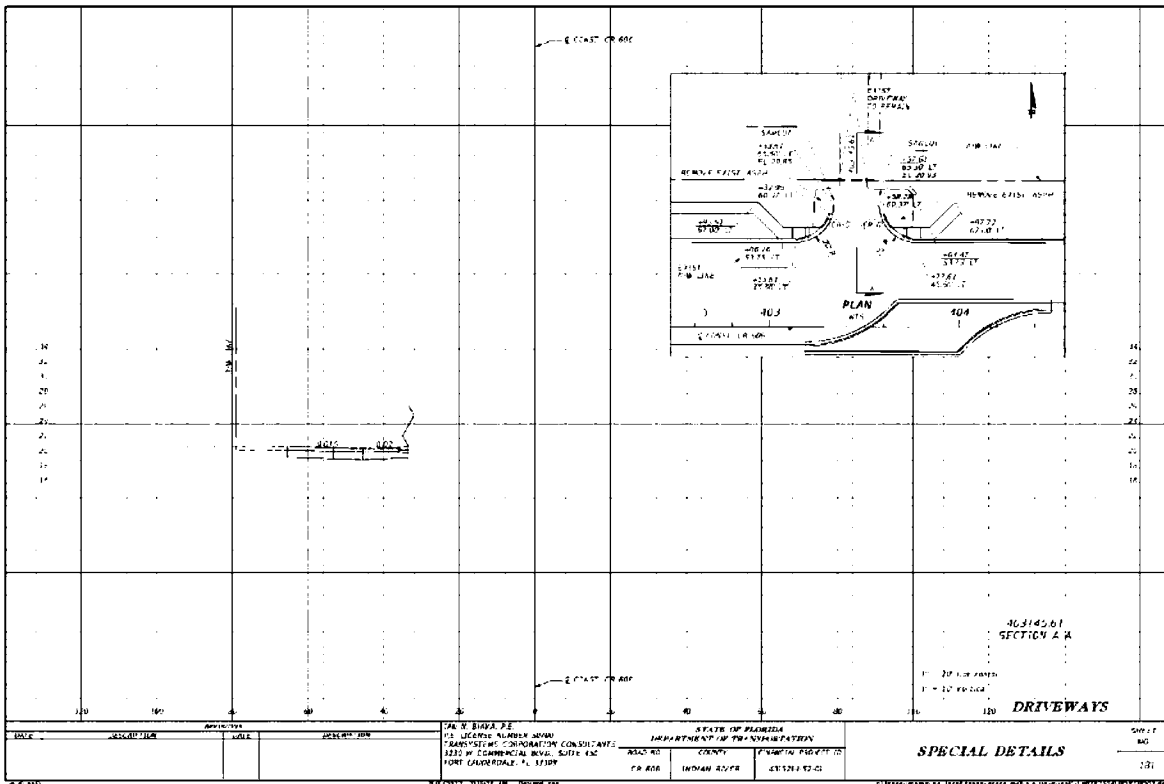
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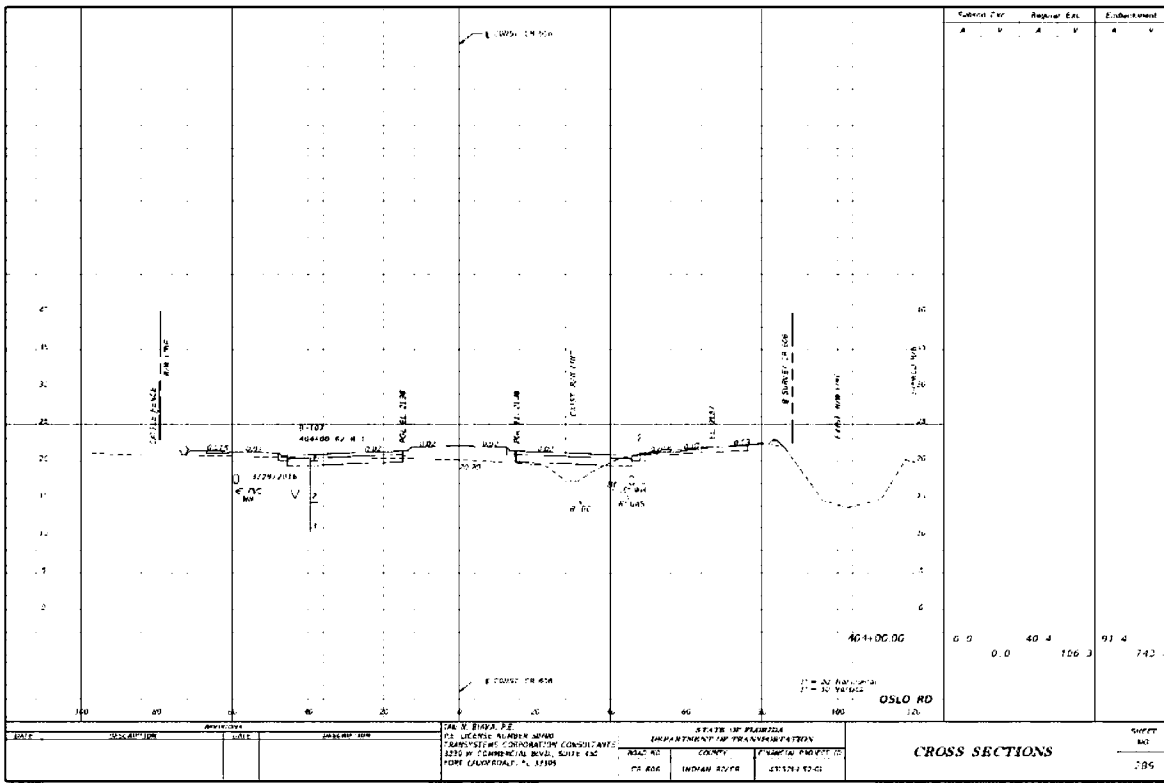
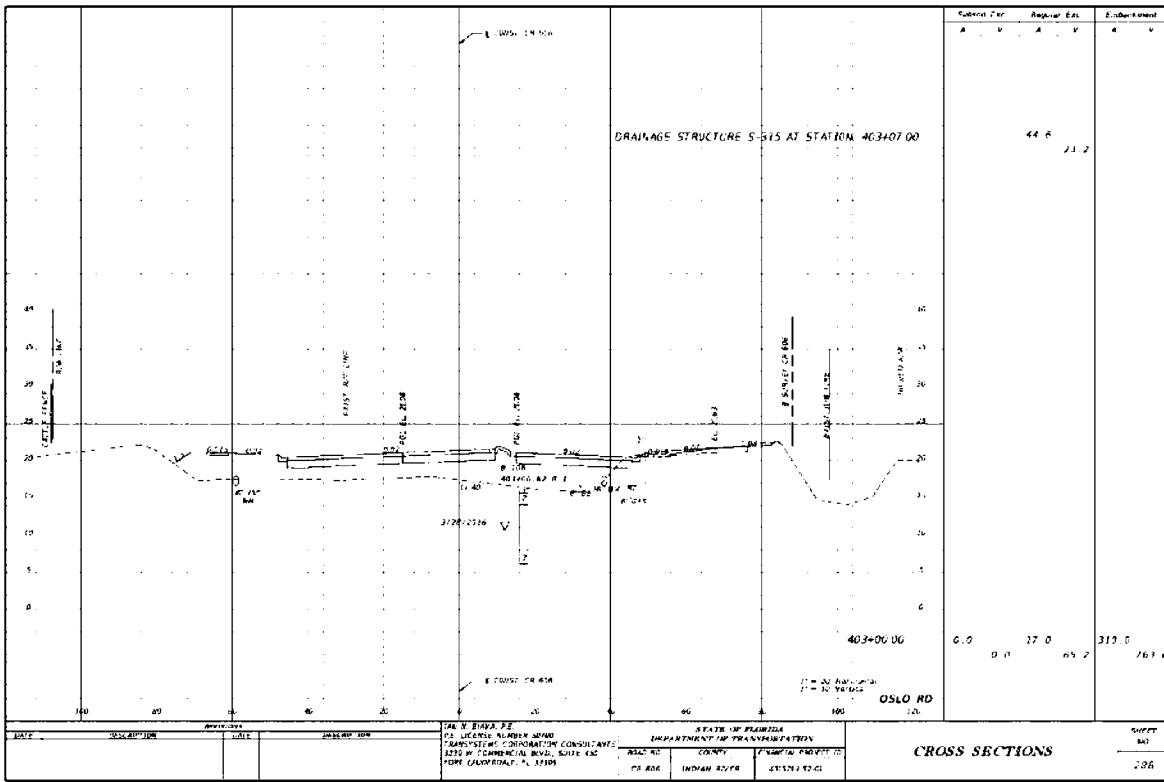
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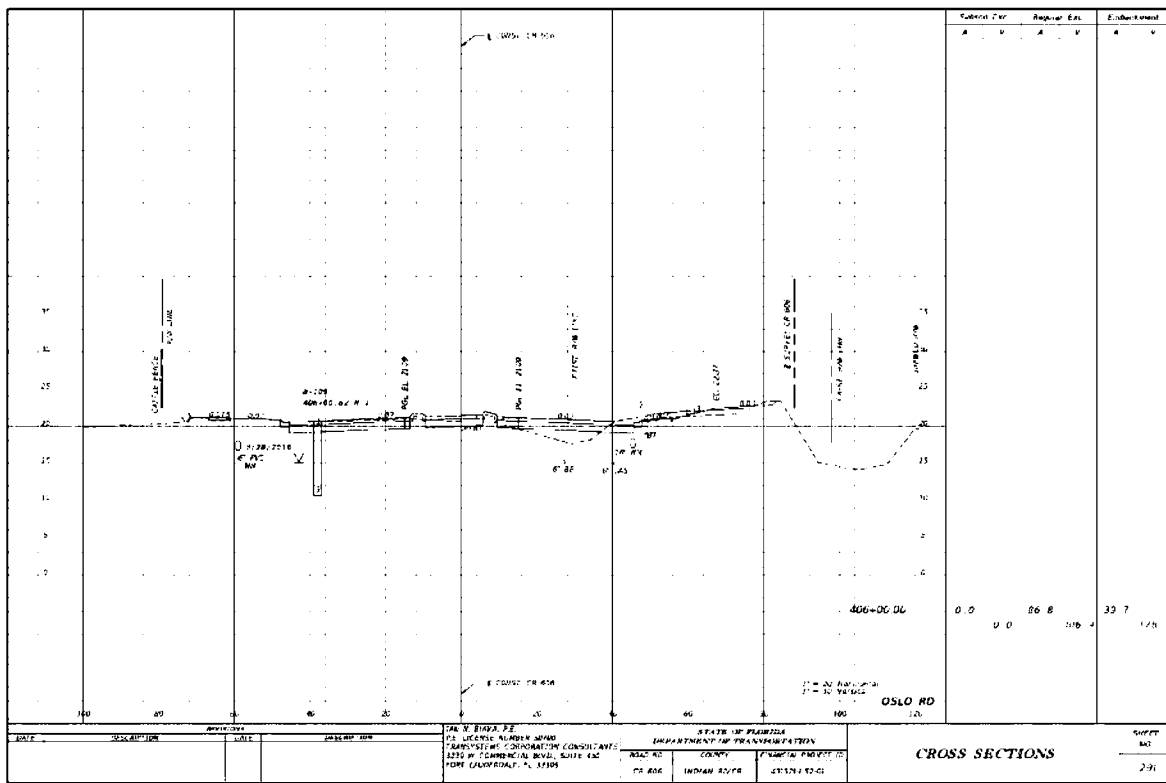
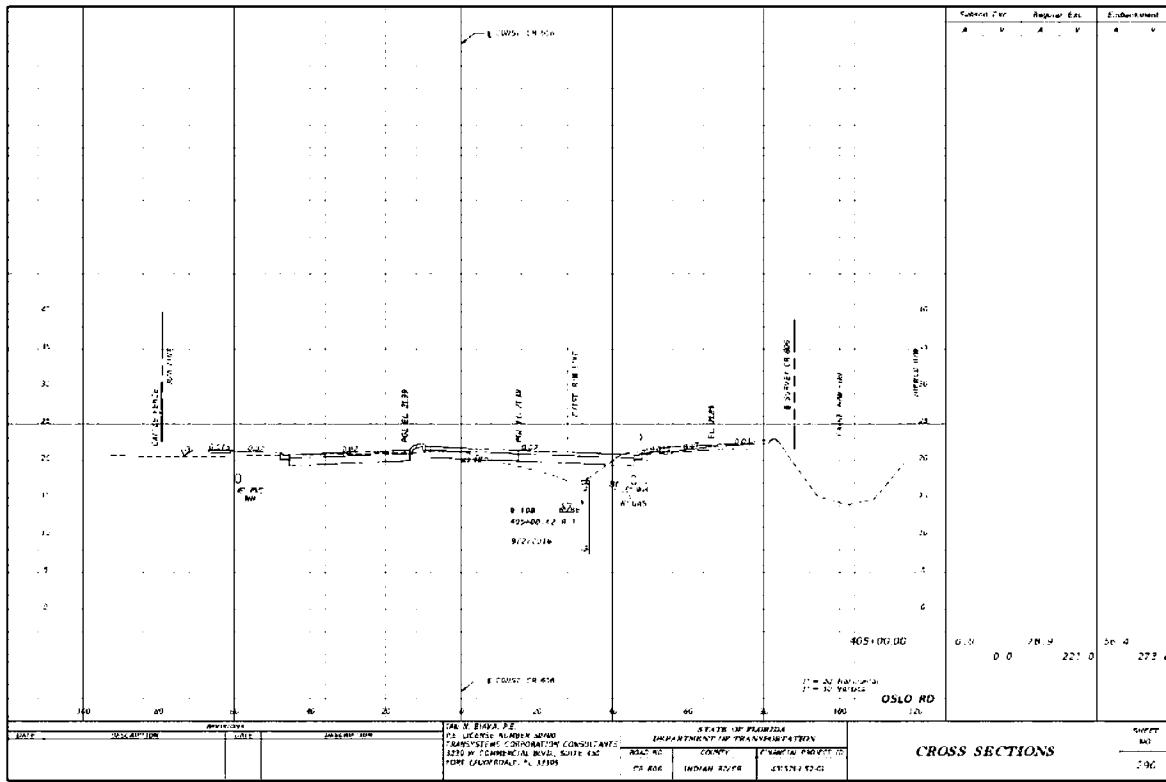
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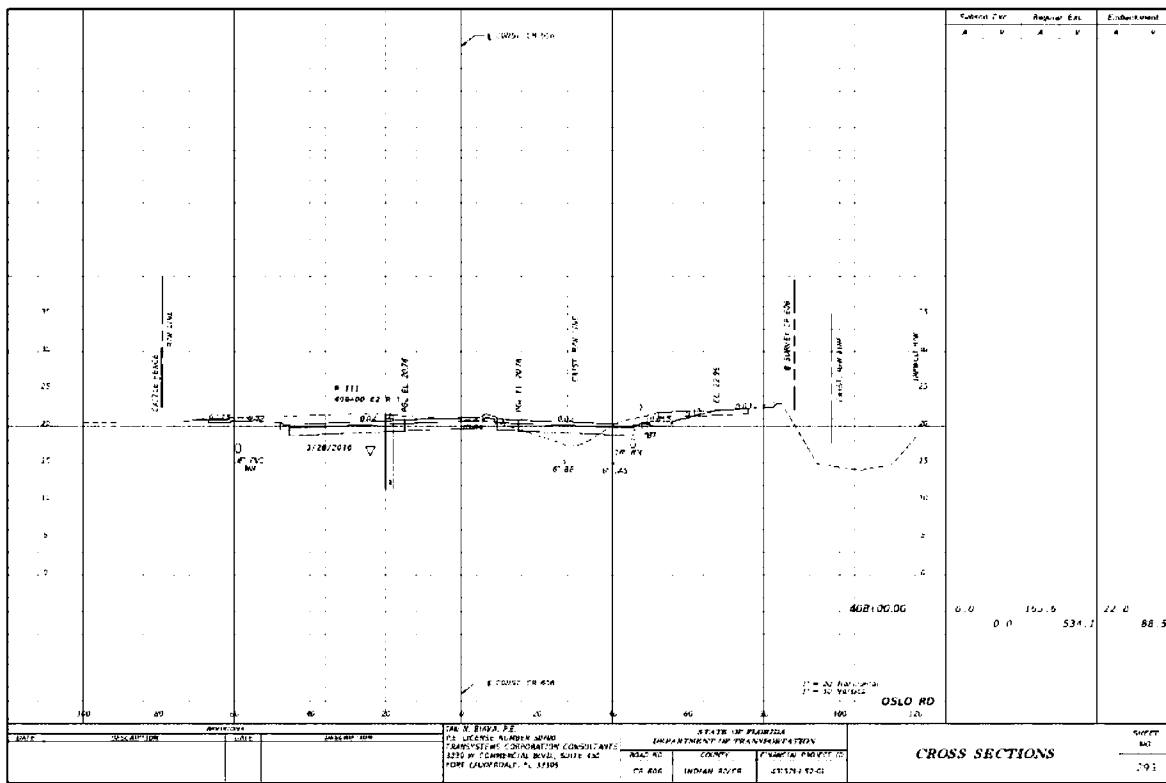
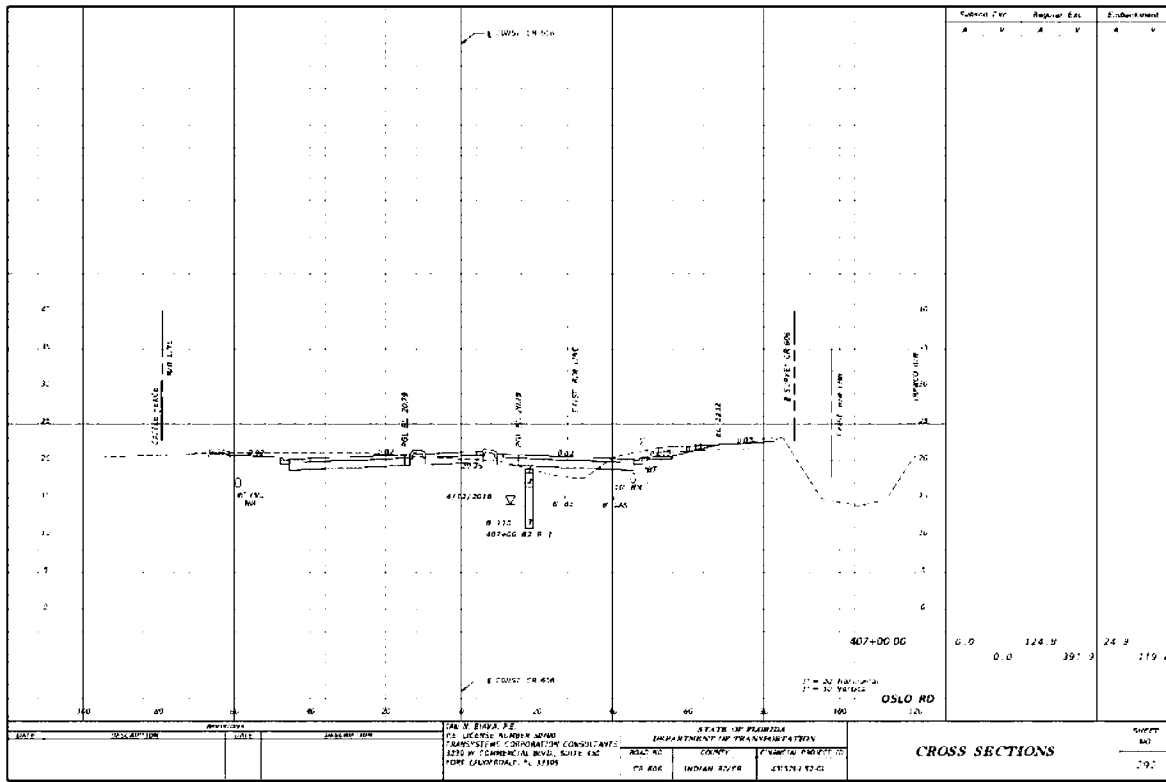
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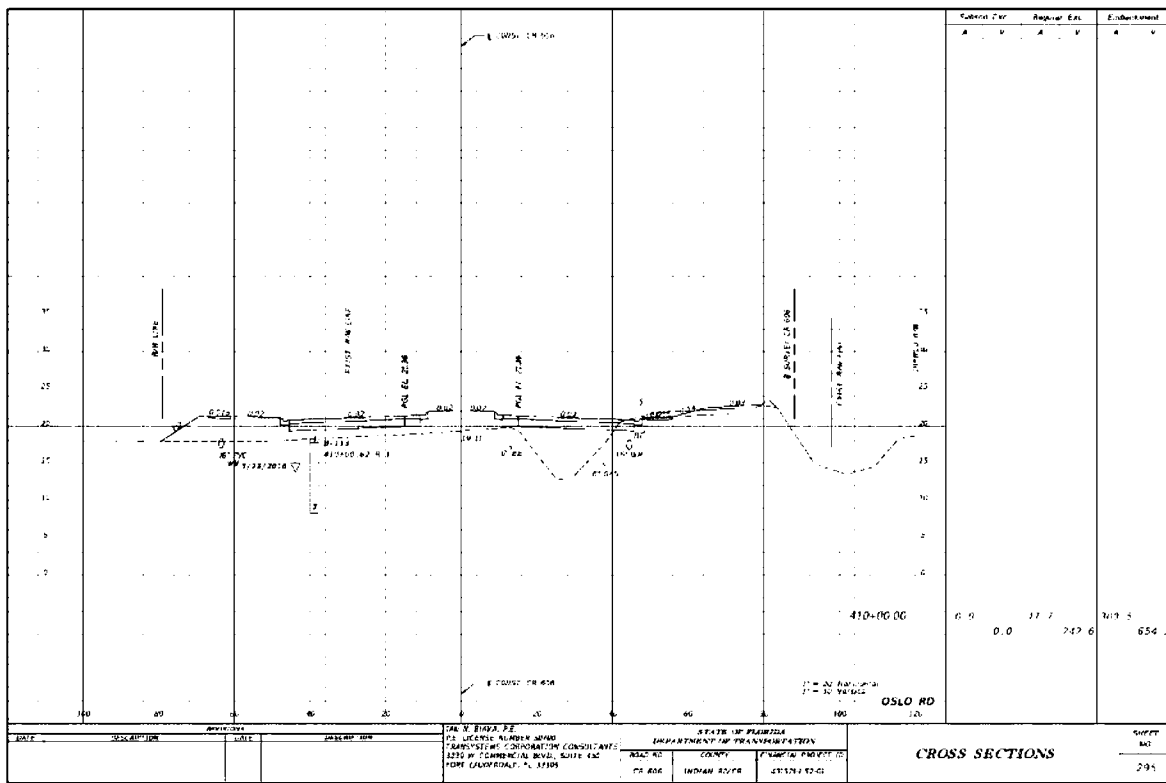
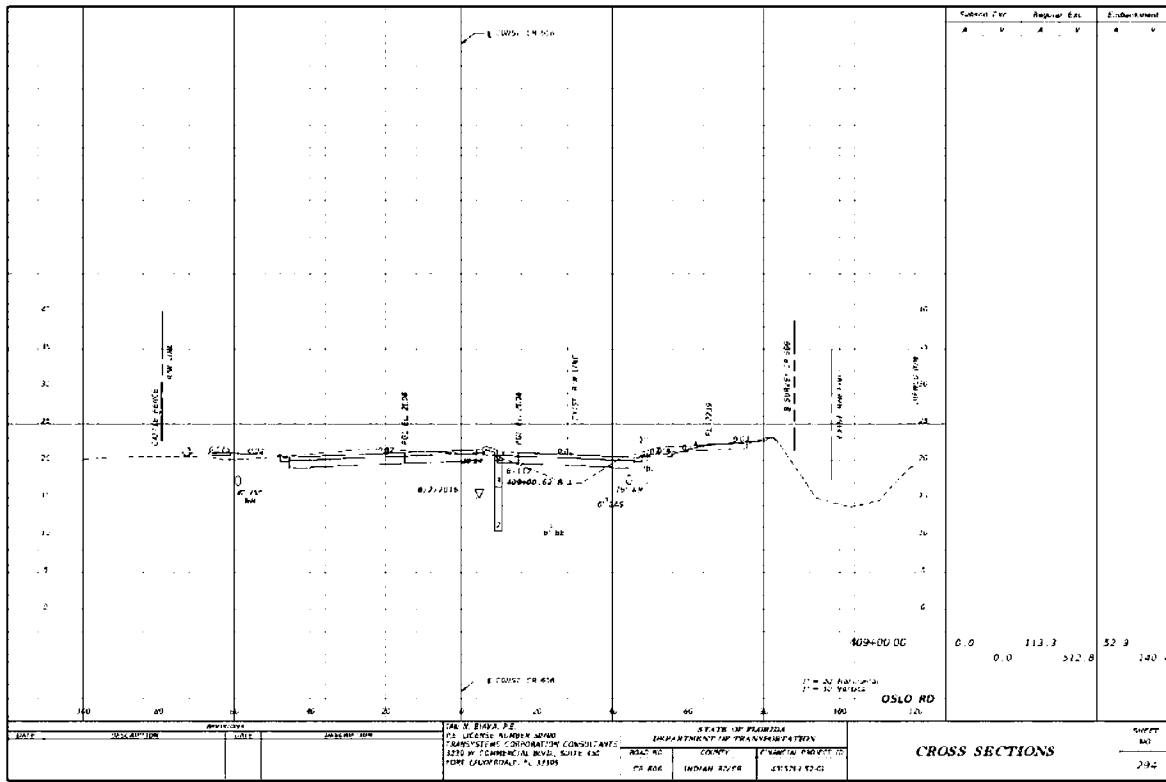
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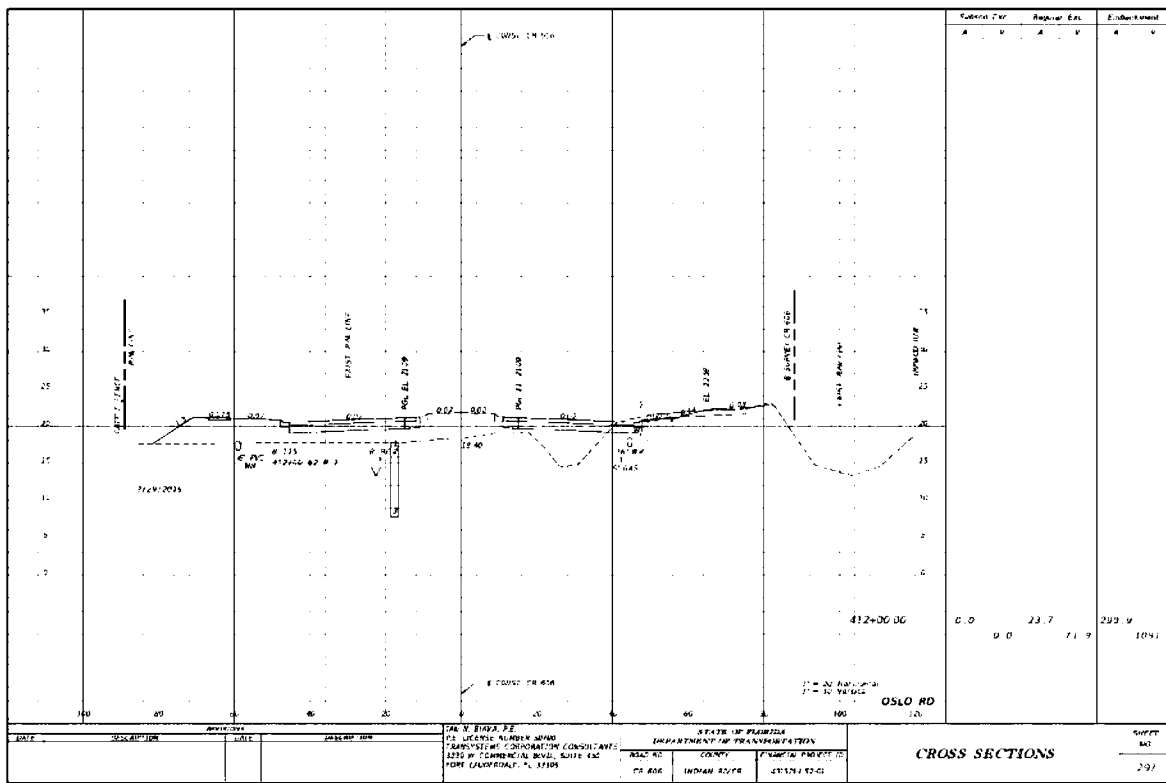
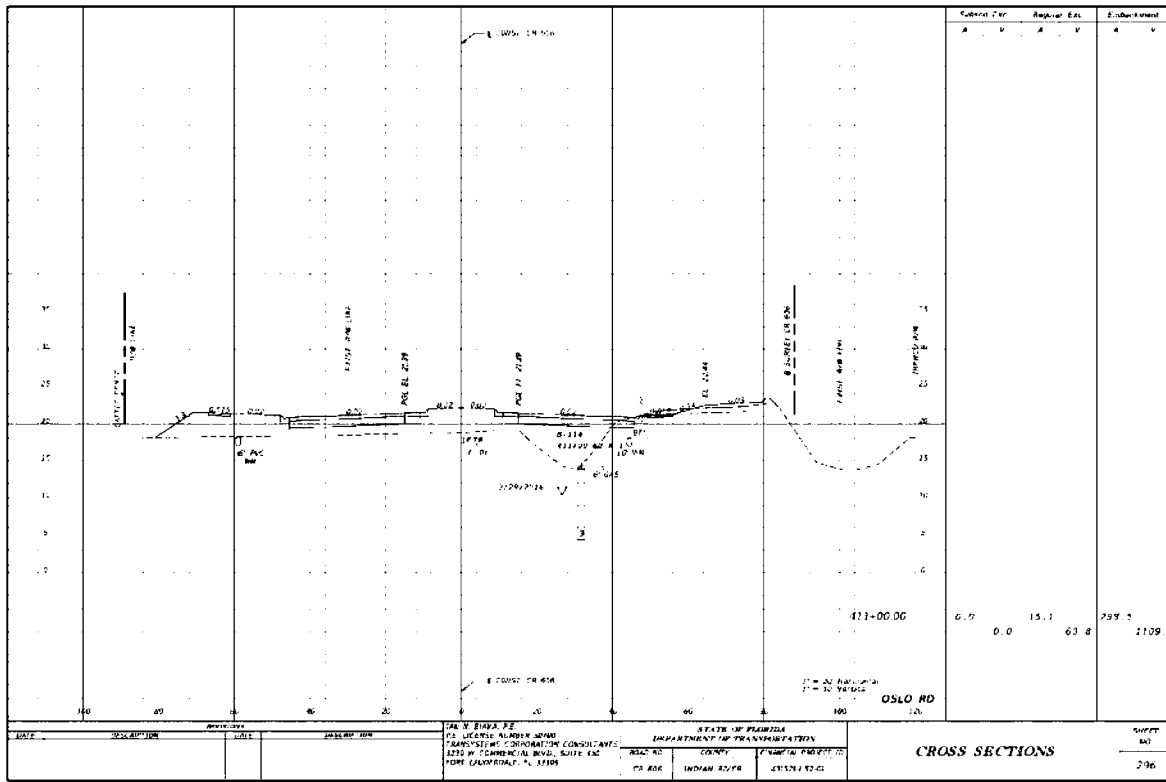
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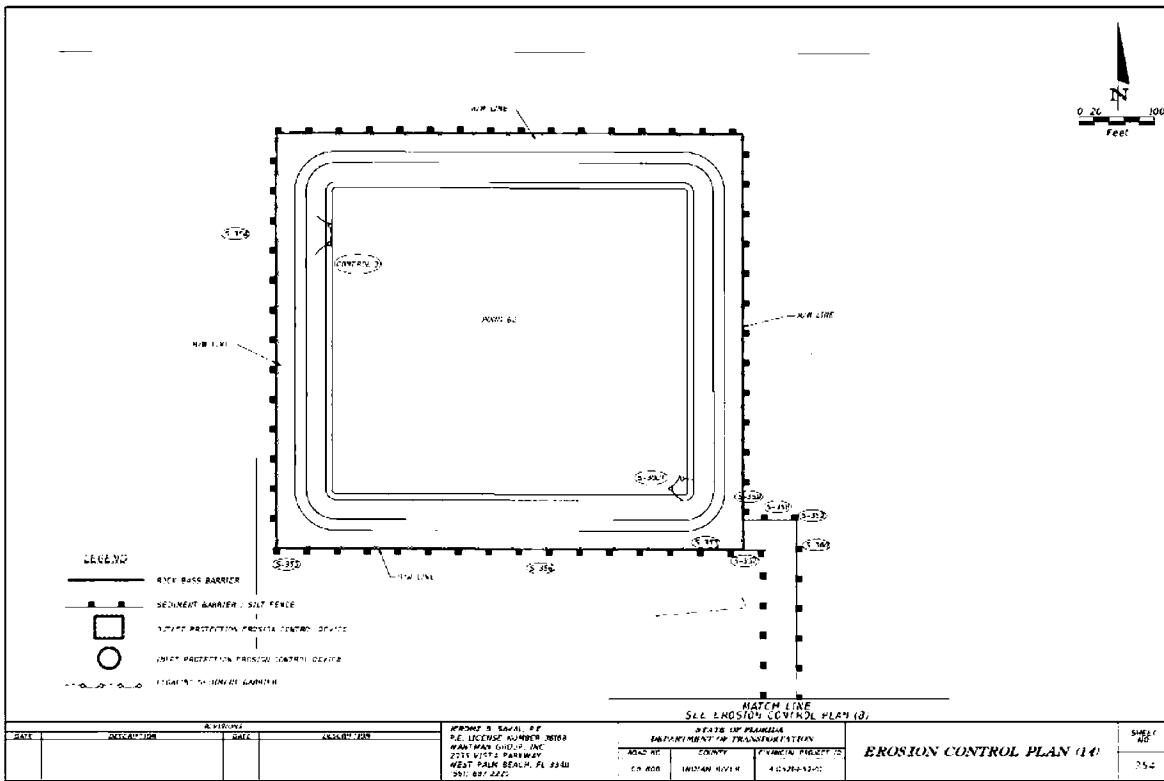
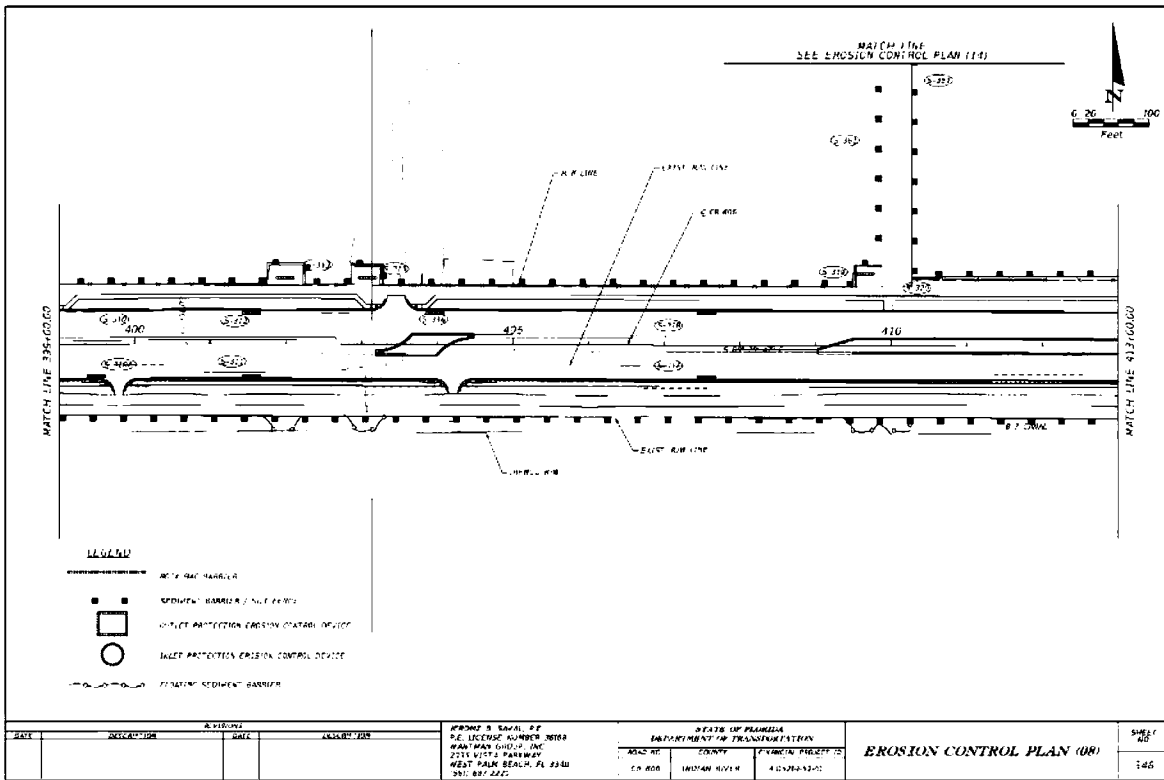
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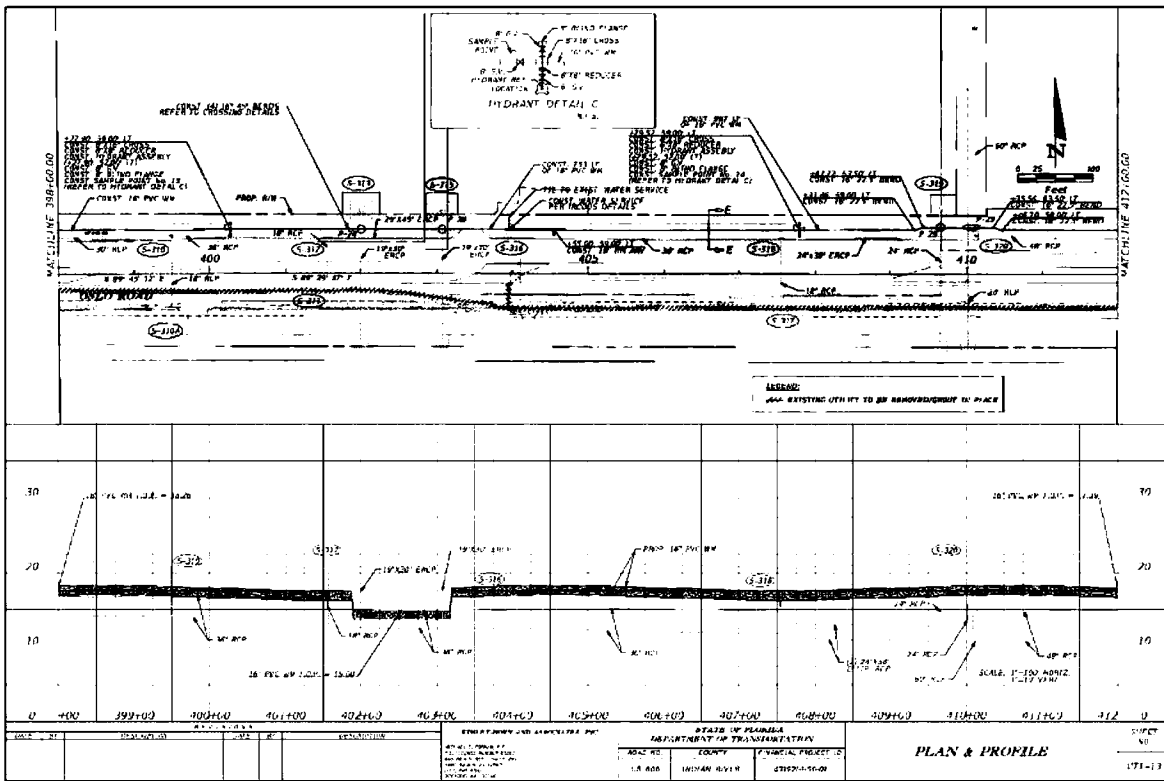
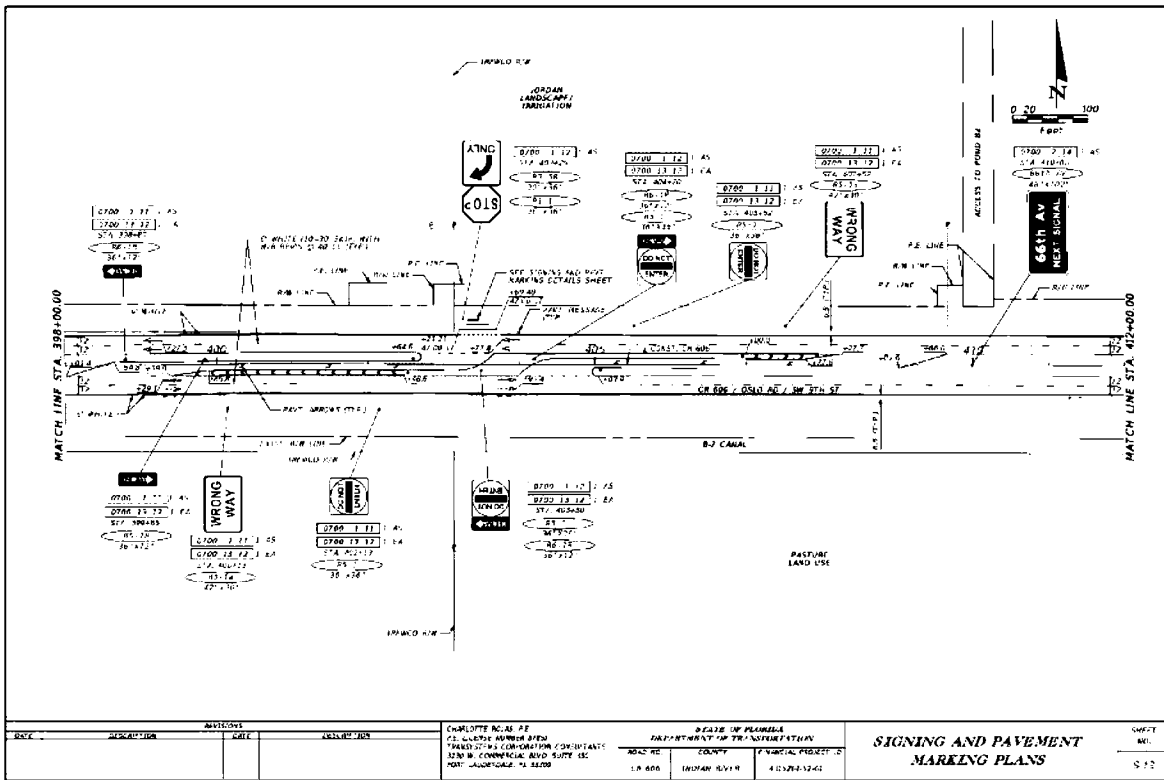
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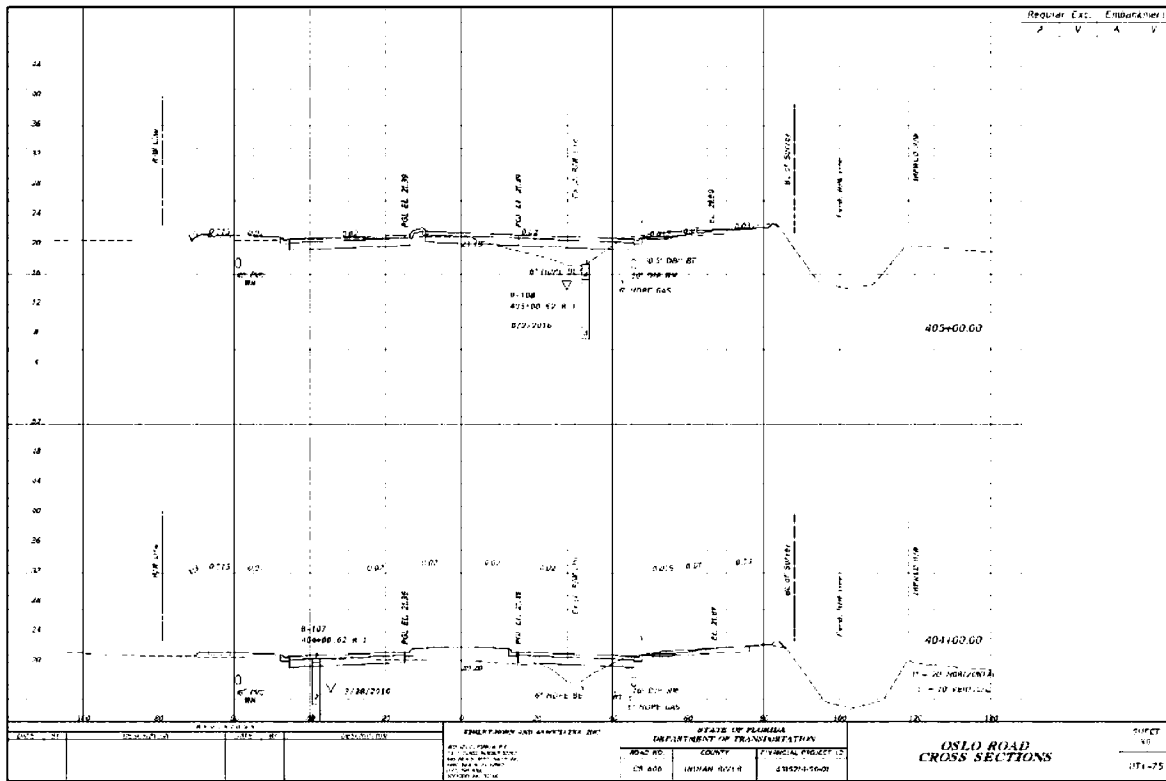
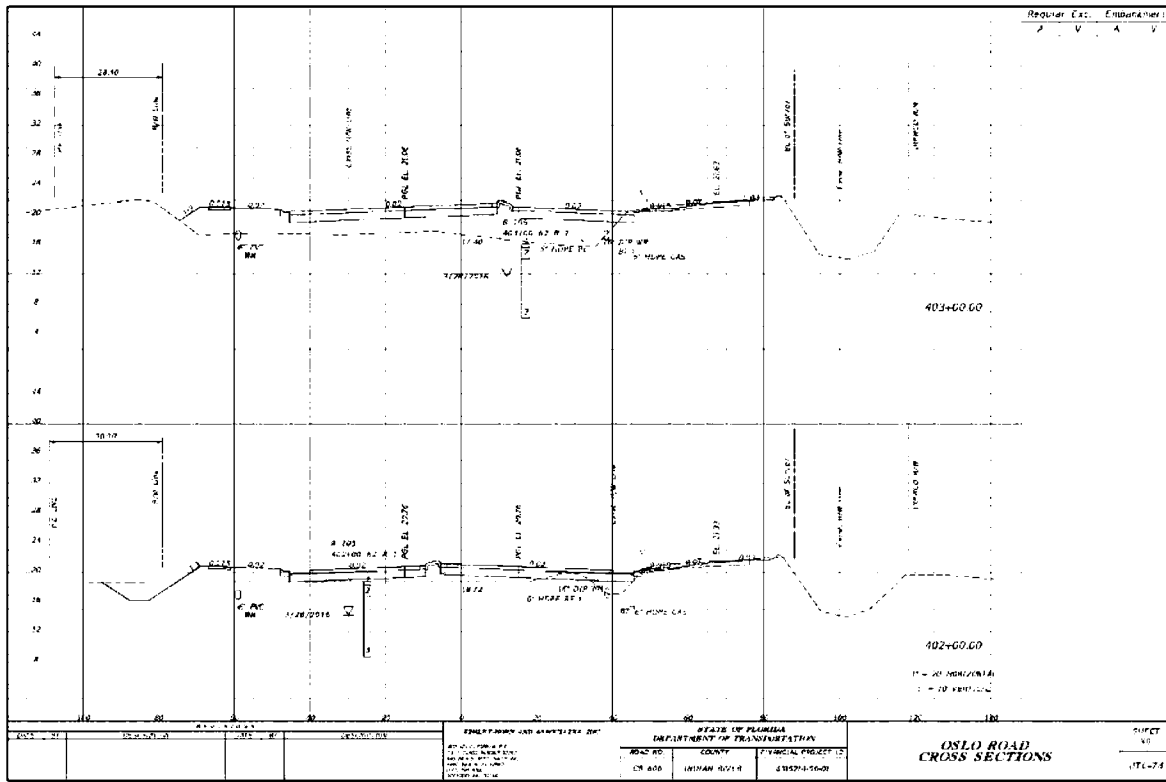
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