

ORIGINAL

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OFF: 942 PAGE 209
REC:IN THE CIRCUIT COURT OF THE 20th
JUDICIAL CIRCUIT, IN AND FOR
LEE COUNTY, FLORIDA

CIVIL ACTION NO: 73-565 CA

DIVISION OF ADMINISTRATION, STATE
OF FLORIDA DEPARTMENT OF TRANS-
PORTATION,

and

LEE COUNTY,

Plaintiff(s),

vs.

FLORIDA OUTDOOR, INC., et al.,

Defendants.

ORDER OF TAKING

THIS CAUSE COMING ON TO BE HEARD BY THE COURT, AND IT
APPEARING THAT PROPER NOTICE WAS FIRST GIVEN TO ALL THE DEFENDANTS,
AND ALL PERSONS HAVING OR CLAIMING ANY EQUITY, LIEN, TITLE, OR OTHER
INTEREST IN OR TO THE REAL PROPERTY DESCRIBED IN THE PETITION, THAT
THE PETITIONER WOULD APPLY TO THIS COURT ON THE 14th DAY OF
May, A.D., 1973, FOR AN ORDER OF TAKING, 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 OF
AND THE PARTIES TO THIS CAUSE.
2. THAT THE PLEADINGS IN THIS CAUSE ARE SUFFICIENT, AND THE
PETITIONER(S) ARE PROPERLY EXERCISING ITS DELEGATED AUTHORITY.
3. THAT THE ESTIMATE OF VALUE FILED IN THIS CAUSE BY THE
PETITIONER(S) WAS MADE IN GOOD FAITH, AND BASED UPON A VALID APPRAISAL.
4. THAT THE PETITIONER(S) ARE ENTITLED TO POSSESSION OF THE
FOLLOWING DESCRIBED PROPERTY PRIOR TO THE ENTRY OF A FINAL JUDGMENT.

TO-WIT:

OFF. REC. 042 PAGE 210
 SECTION 12010-2511 STATE ROAD 45 LEE COUNTY DESCRIPTION
 PARCEL 102 RIGHT OF WAY

That part of:

Begin at the southeast corner of the Southwest Quarter of Section 22, Township 43 South, Range 24 East, run thence north 88°0' East along the common section line between Sections 22 and 27 of said township and range 666 feet, thence north 2°0' west 1990 feet, thence south 88°0' West 1951 feet, more or less, to a point on the eastern boundary of State Road 45, run thence southerly and easterly along the eastern boundary of said State Road 2206 feet, more or less, to a point at the intersection of said eastern right-of-way with the southern boundary of said Section 22, thence along the southern boundary of said Section 22 North 88°0' East a distance of 361 feet, more or less, to the point of beginning.

ALSO:

Commence at the southeast corner of the Southwest Quarter of Section 22, Township 43 South, Range 24 East, run thence North 88°0' East along the common section line between Sections 22 and 27 of said Township and Range, 666 feet, run thence North 2°0' West, 1990 feet to the point of beginning, run thence South 88°0' West 1951 feet, more or less, to a point on the eastern boundary of State Road 45 which point is 50 feet, more or less, southerly of the southern limit of local road; run thence Northwesterly 50 feet, more or less, to the southerly limit of local road, run thence northeasterly along the southerly limit of said local road and continuing in the same direction to a point North of the point of beginning thence South to the point of beginning;

lying within a transition of the Survey Line on State Road 45, Section 12010, from within 160 feet at Station 395+92.34 to within 170 feet at Station 400+00.00;

lying within a transition of said Survey Line from within 170 feet at Station 400+00.00 to within 160 feet at Station 403+00.00; lying within 160 feet of said Survey Line between Station 403+00.00 and Station 160+00.00 lying within a transition of said Survey Line from within 160 feet at Station 160+00.00 to within 150 feet at Station 164+00.00; said Survey Line and Stations being described and located as follows:

Begin on the Southerly boundary of Section 22, Township 43 South, Range 24 East, at a point 820.80 feet Westerly of the SE corner of the SW 1/4 of said Section 22, run thence North 19°03'10" West 722.24 feet to the beginning of a curve concave to the Easterly having a radius of 5729.58 feet, thence run Northerly along said curve 341.67 feet through a central angle of 3°25' to the end of said curve at Station 395+92.34 thence North 15°38'10" West 407.66 feet to Station 400+00.00, continue thence North 15°38'10" West 300 feet to Station 403+00.00, continue thence North 15°38'10" West 363.29 feet to Equation Station 406+63.29 Back = Station 159+74.81 ahead, continue thence North 15°38'10" West 25.39 feet to Station 160+00.00, continue thence 400.00 feet to Station 164+00.00, continue thence North 15°38'10" West 1949.95 feet to the beginning of a curve concave to the Southwesterly having a radius of 5729.58 feet, thence run Northerly along said curve 1041.92 feet through an angle of 10°25'09" to the Northerly boundary of said Section 22 at a point 156.34 feet Easterly of the NW corner of said Section 22..

LESS existing rights of way.

Containing 1.087 acres, more or less.

OWNED BY: First National Bank of DeFuniak Springs, Florida as Executor of the Estate of Bernice Stone, Trustee, deceased.

SUBJECT TO:

EXHIBIT "B"

SECTION 12010-2511

STATE ROAD 45

LEE COUNTY

OFF REC. 942 PAGE 211
DESCRIPTION

PARCEL 104

RIGHT OF WAY

That part of:

Lots 22, through 25, Block 2, Tamiami City, in Section 22, Township 43 South, Range 24 East, as per plat thereof recorded in Plat Book 9, Page 7, Public Record of Lee County Florida;

lying within 150 feet of the Survey Line on State Road 45, Section 12010, said Survey Line being described as follows:

Begin on the Southerly boundary of Section 22, Township 43 South, Range 22 East, at a point 820.80 feet Westerly of the SE corner of the SW 1/4 of said Section 22, run thence North 19°03'10" West 722.24 feet to the beginning of a curve concave to the Easterly having a radius of 5729.58 feet, thence run Northerly along said curve 341.67 feet through a central angle of 3°25' to the end of said curve, thence North 15°38'10" West 3446.29 feet, to the beginning of a curve concave to the Southwesterly having a radius of 5729.58 feet, thence run Northerly along said curve 1041.92 feet through an angle of 10°25'09" to the Northerly boundary of said Section 22 at a point 156.34 feet Easterly of the NW corner of said Section 22.

LESS existing rights of way.

Containing 0.431 acre, more or less.

OWNED BY: Luella G. Moore, as Executrix of the Estate of Charles S. Moore, deceased.

SUBJECT TO: Unrecorded contract for sale held by William H. Reynolds Company; Unrecorded tenancy (sign) held by Florida Outdoor, Inc.

OFF. REC. 942 PAGE 212

SECTION 12010-2511	STATE ROAD 45	LEE COUNTY	DESCRIPTION
PARCEL 105			RIGHT OF WAY

That part of:

Lots 19, 20, and 21, Block 2, Tamiami City, in Section 22, Township 43 South, Range 24 East, as per plat thereof recorded in Plat Book 9, Page 7, Public Record of Lee County Florida;

lying within 150 feet of the Survey Line on State Road 45, Section 12010, said Survey Line being described as follows:

Begin on the Southerly boundary of Section 22, Township 43 South, Range 22 East, at a point 820.80 feet Westerly of the SE corner of the SW 1/4 of said Section 22, run thence North 19°03'10" West 722.24 feet to the beginning of a curve concave to the Easterly having a radius of 5729.58 feet, thence run Northerly along said curve 341.67 feet through a central angle of 3°25' to the end of said curve, thence North 15°38'10" West 3446.29 feet, to the beginning of a curve concave to the Southwesterly having a radius of 5729.58 feet, thence run Northerly along said curve 1041.92 feet through an angle of 10°25'09" to the Northerly boundary of said Section 22 at a point 156.34 feet Easterly of the NW corner of said Section 22.

LESS existing rights of way.

Containing 0.344 acre, more or less.

OWNED BY: Lillian M. Sintich, a widow

OFF. REC. 942 PAGE 213

SECTION 12010-2511	STATE ROAD 45	LEE COUNTY	DESCRIPTION
PARCEL 106			RIGHT OF WAY

That part of:

Lots 15, through 18, Block 2, Tamiami City, in Section 22, Township 43 South, Range 24 East, as per plat thereof recorded in Plat Book 9, Page 7, Public Record of Lee County Florida;

lying within 150 feet of the Survey Line on State Road 45, Section 12010, said Survey Line being described as follows:

Begin on the Southerly boundary of Section 22, Township 43 South, Range 22 East, at a point 820.80 feet Westerly of the SE corner of the SW 1/4 of said Section 22, run thence North 19°03'10" West 722.24 feet to the beginning of a curve concave to the Easterly having a radius of 5729.58 feet, thence run Northerly along said curve 341.67 feet through a central angle of 3°25' to the end of said curve, thence North 15°38'10" West 3446.29 feet, to the beginning of a curve concave to the Southwesterly having a radius of 5729.58 feet, thence run Northerly along said curve 1041.92 feet through an angle of 10°25'09" to the Northerly boundary of said Section 22 at a point 156.34 feet Easterly of the NW corner of said Section 22.

LESS existing rights of way.

Containing 0.459 acre, more or less.

OWNED BY: Chester Zemel and Nuss Nathan Zemel, as Trustees

SUBJECT TO: Unrecorded tenancy (sign) held by Florida Outdoor, Inc.

OFF. REC. 942 PAGE 214

SECTION 12010-2511	STATE ROAD 45	LEE COUNTY	DESCRIPTION
PARCEL 107			RIGHT OF WAY

That part of:

Lots 11, through 14, Block 2, Tamiami City, in Section 22, Township 43 South, Range 24 East, as per plat thereof recorded in Plat Book 9, Page 7, Public Record of Lee County Florida;

lying within 150 feet of the Survey Line on State Road 45, Section 12010, said Survey Line being described as follows:

Begin on the Southerly boundary of Section 22, Township 43 South, Range 22 East, at a point 820.80 feet Westerly of the SE corner of the SW 1/4 of said Section 22, run thence North $19^{\circ}03'10''$ West 722.24 feet to the beginning of a curve concave to the Easterly having a radius of 5729.58 feet, thence run Northerly along said curve 341.67 feet through a central angle of $3^{\circ}25'$ to the end of said curve, thence North $15^{\circ}38'10''$ West 3446.29 feet, to the beginning of a curve concave to the Southwesterly having a radius of 5729.58 feet, thence run Northerly along said curve 1041.92 feet through an angle of $10^{\circ}25'09''$ to the Northerly boundary of said Section 22 at a point 156.34 feet Easterly of the NW corner of said Section 22.

LESS existing rights of way.

Containing 0.459 acre, more or less.

OWNED BY: Charles Zemel, single

OFF.
REC. 942 PAGE 215

SECTION 12010-2511 STATE ROAD 45 LEE COUNTY DESCRIPTION

PARCEL 108

RIGHT OF WAY

That part of:

Lots 7, through 10, Block 2, Tamiami City, in Section 22, Township 43 South, Range 24 East, as per plat thereof recorded in Plat Book 7, Page 9, Public Record of Lee County Florida;

lying within 150 feet of the Survey Line on State Road 45, Section 12010; Southerly of Station 182+00.00; lying within a transition of said Survey Line from within 150 feet at Station 182+00.00 to within 155 feet at Station 183+49.95, lying within 155 feet of said Survey Line Northerly of Station 183+49.95; said Survey Line and Stations being described and located as follows:

Begin on the Southerly boundary of Section 22, Township 43 South, Range 22 East, at a point 820.80 feet Westerly of the SE corner of the SW 1/4 of said Section 22, run thence North 19°03'10" West 722.24 feet to the beginning of a curve concave to the Easterly having a radius of 5729.58 feet, thence run Northerly along said curve 341.67 feet through a central angle of 3°25' to the end of said curve, thence North 15°38'10" West 3296.34 feet to Station 182+00.00, continue thence North 15°38'10" West 149.95 feet to Station 183+49.95 and to the beginning of a curve concave to the Southwesterly having a radius of 5729.58 feet, thence run Northerly along said curve 1041.92 feet through an angle of 10°25'09" to the Northerly boundary of said Section 22 at a point 156.34 feet Easterly of the NW corner of said Section 22.

LESS existing rights of way.

Containing 0.478 acre, more or less.

OWNED BY: Herbert C. Zemel and Morton B. Zemel, as Trustees

SUBJECT TO: Unrecorded tenancy (2 signs) held by Mel Webb Signs, Inc.; Unrecorded tenancy (1 sign) held by Florida Outdoor, Inc.

OFF REC: 942 PAGE 216

SECTION 12010-2511	STATE ROAD 45	LEE COUNTY	DESCRIPTION
PARCEL 109			RIGHT OF WAY

That part of:

Lots 3 through 6, Block 2, Tamiami City, in Section 22, Township 43 South, Range 24 East as per plat thereof recorded in Plat Book 9, Page 7, Public Record of Lee County Florida;

lying within 155 feet of the Survey Line on State Road 45, Section 12010, said Survey Line being described as follows:

Begin on the Southerly boundary of Section 22, Township 43 South, Range 22 East, at a point 620.80 feet Westerly of the SE corner of the SW 1/4 of said Section 22, run thence North 19°03'10" West 722.24 feet to the beginning of a curve concave to the Easterly having a radius of 5729.58 feet, thence run Northerly along said curve 341.67 feet through a central angle of 3°25' to the end of said curve, thence North 15°38'10" West 3446.29 feet, to the beginning of a curve concave to the Southwesterly having a radius of 5729.58 feet, thence run Northerly along said curve 1041.92 feet through an angle of 10°25'09" to the Northerly boundary of said Section 22 at a point 156.34 feet Easterly of the NW corner of said Section 22.

LESS existing rights of way.

Containing 0.505 acre, more or less.

OWNED BY: Sylvia K. Zemel, single, individually and Sylvia K. Zemel and Abraham Zemel as Executors of the Estate of Joseph Zemel, deceased

OFF. 942 PAGE 217
REC.

SECTION 12010-2511	STATE ROAD 45	LEE COUNTY	DESCRIPTION
PARCEL 121			RIGHT OF WAY

That part of:

From the Southeast corner of Section 16, Township 43 South, Range 24 East run east along the South line of Section 15 in said Township and Range 46.46 feet to the Westerly right-of-way line of the Tamiami Trail (State Road No. 45); thence run Northwesterly along said right-of-way line 2866 feet to the point of beginning of the lands hereby conveyed; continue Northwesterly along said right-of-way line 1320 feet; thence Southwesterly along a perpendicular to said right-of-way line 4324.43 feet to an intersection with the West line of said Section 16; thence Southerly along said West line for 1900.0 feet to the Southwest corner of said Section 16; thence Easterly along the South line of said Section to a point 500.54 feet West of the Southeast corner of said Section; thence North-easterly parallel to and 491.30 feet from said Westerly right-of-way line of State Road No. 45 2625.44 feet to an intersection with a perpendicular to said Tamiami Trail through the point of beginning; thence Northeasterly along said perpendicular for 491.3 feet to the point of beginning.

Lying within a transition of the Survey Line on State Road 45, Section 12010, from within 100 feet at Station 220+00.00, to within 120 feet at Station 224+00.00, to within 140 feet at Station 226+00.00, to within 150 feet at Station 228+00.00, to within 160 feet at Station 232+00.00; lying within 160 feet Northwesterly of Station 232+00.00, said Survey Line and Stations being described and located as follows:

Begin on the Southerly boundary of Section 15, Township 24 South, Range 24 East, at a point 156.34 feet Easterly of the SW corner of said Section 15 said point being on a curve concave to the Westerly having a radius of 5729.58 feet, thence from a tangent bearing of North 26°03'19" West run Northerly along said curve 1.41 feet through an angle of 0°00'51" to the end of said curve, thence North 26°07'10" West 2602.71 feet to Station 220+00.00 (running from said Section 15 into Section 16, Township 43 South, Range 24 East), continue thence North 26°07'10" West 400.00 feet to Station 224+00.00, continue thence North 26°07'10" West 200.00 feet to Station 226+00.00, continue thence North 26°07'10" West 200.00 feet to Station 228+00.00, continue thence North 26°07'10" West 400.00 feet to Station 232+00.00, continue thence North 26°07'10" West 2121.39 feet to the Northerly boundary of said Section 16, at a point 2341.82 feet Easterly of the NE corner of said Section 16.

LESS existing rights of way.

Containing 1.468 acres, more or less.

OWNED BY: William H. Reynolds Company

SUBJECT TO: Judgment recorded in OR Book 263 at page 13 in favor of Perfection Water Company, Inc.; Unrecorded tenancy (2 signs) held by ABC Sign Service, Inc.; Unrecorded tenancy (3 signs) held by Carter Sign Rentals, Inc.; Unrecorded tenancy (sign) held by Florida Outdoor, Inc.

OFF. REC. 942 PAGE 218

SECTION 12010-2511	STATE ROAD 45	LEE COUNTY	DESCRIPTION
PARCEL 132			RIGHT OF WAY

That part of:

From the point of intersection of the north line of Section 9, Township 43 South, Range 24 East, with the westerly right-of-way line of the Tamiami Trail (State Road No. 45) run southeasterly along said right-of-way line 400 feet to the point of beginning, thence continue southeasterly along said right-of-way line 600 feet; thence southwesterly along a perpendicular to said right-of-way line to the west line of said Section 9; thence northerly along said west line of said Section 9 to an intersection with a perpendicular to said right-of-way line through the point of beginning; thence northeasterly along said perpendicular to the point of beginning.

Lying within a transition of the Survey Line on State Road 45, Section 12010, from within 170 feet at Station 290+00.00 to within 160 feet at Station 305+00.00; lying within 160 feet northerly of Station 305+00.00, said Survey Line and Stations being described and located as follows:

Begin on the southerly boundary of Section 9, Township 43 South, Range 24 East, at a point 3261.32 feet easterly of the SW corner of said Section 9, run thence North 26°07'10" West 1676.46 feet, thence North 26°05'40" West 2000 feet, thence North 26°03'40" West 2.15 feet to Station 290+00.00, continue thence North 26°03'40" West 1500 feet to Station 305+00.00, continue thence North 26°03'40" West 717.46 feet to the northerly boundary of said Section 9, at a point 616.42 feet easterly of the NW corner of said Section 9.

LESS existing rights of way.

Containing 0.860 acre, more or less.

OWNED BY: Henry E. Wolff, Trustee

SUBJECT TO: Mortgage assignment recorded in OR Book 359 at page 593 in favor of Mary Ruth D. Cauthorn, Elizabeth D. Buchanan, James M. Drake, Marion A. Drake, Jr., Robert W. Drake, William R. Drake, Fannie D. Jensen, Jennie D. Price and Catherine L. Rhodes, as beneficiaries of the Estate of Jennie H. Drake, deceased; Unrecorded lease held by Otis S. French; Unrecorded tenancy (sign) held by Melweb Signs, Inc.; Unrecorded tenancy (sign) held by Whiteco Industries, Inc.

OFF. REC. 942 PAGE 219

SECTION 12010-2511	STATE ROAD 45	LEE COUNTY	DESCRIPTION
			RIGHT OF WAY

PARCEL 134

That part of:

Sections 4 and 5, Township 43 South, Range 24 East, lying West of the Tamiami Trail;

lying within 160 feet of the Survey Line on State Road 45, Section 12010, said Survey Line being described as follows:

Begin on the Southerly boundary of Section 4, Township 43 South, Range 24 East, at a point 616.42 feet Easterly of the SW corner of said Section 4, run thence North 26°03'40" West 1255.24 feet to the Westerly boundary of said Section 4 (Easterly boundary of Section 5, Township 43 South, Range 24 East), continue thence North 26°03'40" West 4104.50 feet to the beginning of a curve concave to the Southwest having a radius of 7639.44 feet, thence run Northerly along said curve 520.37 feet through a central angle of 3°54'10" to the end of said curve, thence North 29°57'50" West 99.63 feet to the Northerly boundary of said Section 5, at a point 2877.55 feet Easterly of the NW corner of said Section 5, continue thence for reference North 29°57'50" West 200 feet to end Survey Line description.

LESS existing rights of way.

Containing 8.237 acres, more or less.

OWNED BY: Chester Zemel, Sylvan Zemel, Shirley Kaufman, Nuss Nathan Zemel, Horace Zemel, Freda Zemel and Samuel R. Zemel as Trustees; Sylvia Zemel, single; Edward S. Zemel and Zelda J. Zemel, his wife

SUBJECT TO: Agreement recorded in Misc. Book 45 at page 20 in favor of Mary Ruth D. Cauthorn, Elizabeth D. Buchanan, James M. Drake, Marion A. Drake, Jr., Robert W. Drake, William R. Drake, Fannie D. Jensen, Jennie D. Price and Catherine L. Rhodes, as Beneficiaries of the Estate of Jennie H. Drake, deceased; Agreement recorded in OR Book 716 at page 95 in favor of Hercules, Incorporated; Unrecorded tenancy (sign) held by Melweb Signs, Inc.; Unrecorded tenancy (5 signs) held by ABC Sign Service, Inc.; Unrecorded tenancy (2 signs) held by Florida Outdoor, Inc.; Unrecorded tenancy (4 signs) held by National Advertising Company, also known as National 3-M Signs.

OFF. REC. 942 PAGE 220

UPON PAYMENT INTO THE REGISTRY OF THIS COURT, THE DEPOSIT HEREAFTER SPECIFIED; AND THAT SAID DEPOSIT OF MONEY WILL FULLY SECURE AND FULLY COMPENSATE THE PERSONS LAWFULLY ENTITLED TO COMPENSATION, AS WILL BE DETERMINED ULTIMATELY BY FINAL JUDGMENT OF THE COURT, AND WHICH SAID SUM OF MONEY TO BE DEPOSITED IS IN NO INSTANCE LESS THAN THE VALUE OF EACH PARCEL OF SAID LAND, AS FIXED BY THE ESTIMATE OF VALUE AS SET BY THE PETITIONER(S).

PROVIDED, FURTHER, THAT THE SAID SUM OF MONEY IN THE TOTAL AMOUNT OF Fifty Two Thousand DOLLARS SHALL BE DEPOSITED IN THE REGISTRY OF THIS COURT WITHIN TWENTY (20) DAYS AFTER THE DATE OF THIS ORDER, AND, UPON MAKING SUCH DEPOSIT, THE PETITIONER(S) SHALL NOTIFY, IN WRITING, ALL ATTORNEYS OF RECORD, AND THOSE DEFENDANTS NOT REPRESENTED BY COUNSEL, THAT THE DEPOSIT HAS BEEN MADE, AND THAT ON June 4- 1973, 1973, THE PETITIONER(S) SHALL BE ENTITLED TO POSSESSION OF THE PROPERTY DESCRIBED IN THE PETITION WITHOUT FURTHER NOTICE OR ORDER OF THIS COURT.

IF THE PETITIONER(S) SHALL DEFAULT IN THE DEPOSITING OF SAID SUM OF MONEY WITHIN THE TIME PROVIDED, THIS ORDER SHALL BE VOID AND OF NO FURTHER FORCE OR EFFECT.

DONE AND ORDERED IN Fort Myers
LEE COUNTY, FLORIDA, THIS 14 DAY OF May
A. D., 1973.

James R. Adams
CIRCUIT JUDGE

Filed
RECORDED IN OFFICIAL
RECORDS
LEE COUNTY, FLORIDA
RECORD VERIFIED

MAY 14 3 13 PM '73

SAL CERACI
CLERK OF CIRCUIT COURT
Dianna