

**IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL CIRCUIT  
MANATEE COUNTY, FLORIDA  
CIVIL DIVISION**

MANATEE COUNTY,  
a political subdivision of the State of Florida,

Petitioner,

v.

PRESBYTERIAN RETIREMENT  
COMMUNITIES, INC., a Florida non-profit  
corporation, etc., et al.;

Defendants.

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CASE NO.: 2012 CA 3442  
DIVISION: D  
EMINENT DOMAIN PROCEEDING  
PARCELS: W-261.1, W-261A.1,  
W-262.1 and W-262.6

**STIPULATED FINAL JUDGMENT AS TO  
PARCELS W-261.1, W-261A.1, W-262.1 AND W-262.6**

THIS CAUSE comes before the Court upon the Joint Motion for Entry of a Stipulated Final Judgment as to Parcels W-261.1, W-261A.1, W-262.1 and W-262.6 filed by Petitioner, MANATEE COUNTY, a political subdivision of the State of Florida, (hereinafter MANATEE) and Defendant, PRESBYTERIAN RETIREMENT COMMUNITIES, INC., a Florida non-profit corporation, f/k/a PRESBYTERIAN HOMES OF THE SYNOD OF FLORIDA, a Florida non-profit corporation, d/b/a WESTMINSTER COMMUNITIES OF BRADENTON, d/b/a WESTMINSTER MANOR OF BRADENTON (hereinafter PRESBYTERIAN) and it appearing to the Court that the parties were authorized to enter into the Joint Motion, and the Court being otherwise fully advised in the premises, it is thereupon **ADJUDGED** as follows:

1. The Second Amended Stipulated Order of Taking as to Parcels W-261.1, W-261A.1, W-262.1 and W-262.6, *Nunc Pro Tunc*, entered in this cause is hereby approved, ratified and confirmed.

2. Pursuant to the Stipulated Order of Taking as to Parcels W-261.1, W-261A.1, W-262.1 and W-262.6, MANATEE deposited, on June 29, 2012, its good faith estimate of value in the total amount of TWO HUNDRED THOUSAND THREE HUNDRED FIFTY AND NO/100 DOLLARS (\$200,350.00). Pursuant to the Amended Stipulated Order of Taking, Nunc Pro Tunc, as to Parcels W-261.1, W-261A.1, W-262.1, and W-262.6, on July 3, 2014, MANATEE deposited an additional amount of THIRTY SIX THOUSAND TWO HUNDRED THIRTY-NINE AND NO/100 DOLLARS (\$36,239.00). These combined deposits vested MANATEE with easement interests in Parcels W-261.1, W-261A.1, W-262.1 and W-262.6 as of June 29, 2012, and as more particularly described in the Second Amended Stipulated Order of Taking as to Parcels W-261.1, W-261A.1, W-262.1 and W-262.6, *Nunc Pro Tunc*.

3. In full settlement of this matter, PRESBYTERIAN now recovers the total sum of FOUR HUNDRED THIRTY THOUSAND THREE HUNDRED AND NO/100 DOLLARS (\$430,300.00) as full compensation for the property taken, severance damages and all other damages claimed by PRESBYTERIAN, its officers, directors, successors and assigns, now and in the future arising from this cause.

4. MANATEE shall receive a credit of TWO HUNDRED THIRTY SIX THOUSAND FIVE HUNDRED EIGHTY-NINE AND NO/100 DOLLARS (\$236,589.00) for the amounts it previously deposited into the Court registry and which have been withdrawn in full by PRESBYTERIAN.

5. PRESBYTERIAN shall further recover from MANATEE the amount of ONE HUNDRED EIGHTY ONE THOUSAND AND NO/100 DOLLARS (\$181,000.00) in full and final payment for any and all experts' and consultants' fees and costs due or owing in this matter.

6. In addition, PRESBYTERIAN shall recover from MANATEE the amount of ONE HUNDRED FIFTY THOUSAND AND NO/100 DOLLARS (\$150,000.00) in full and final payment for any and all attorneys' fees and costs due or owing in this matter, to include all attorneys' fees associated with both monetary and non-monetary benefits.

7. Within THIRTY (30) days of filing with the Clerk of the Court this Stipulated Final Judgment entered by this Court, MANATEE shall issue its check in the total amount of FIVE HUNDRED TWENTY-FOUR THOUSAND SEVEN HUNDRED ELEVEN AND NO/100 DOLLARS (\$524,711.00) to Moore, Bowman and Rix, P.A., Trust Account, and shall send its check via U.S. Mail c/o Gregory Rix, Esq., to 300 West Platt Street, Suite 100, Tampa, Florida 33606, for appropriate disbursement.

8. As additional consideration for the entry of this Stipulated Final Judgment, within THIRTY (30) days from the date of filing with the Clerk of the Court this Stipulated Final Judgment entered by this Court, MANATEE shall make a written request to the Department of the Army/U.S. Army Corps of Engineers as to whether that certain property located at 1529 19th Avenue West, Bradenton, Florida 34205, (Manatee County Property Appraiser Parcel Identification Number: 4453300008) which was acquired by MANATEE for the construction of the Cedar Hammock (Wares Creek) Flood Damage Reduction Project must still be retained in public ownership by MANATEE. MANATEE shall provide PRESBYTERIAN a copy of this written request to the Department of the Army/U.S. Army Corps of Engineers and shall share any and all response(s) to said written request with PRESBYTERIAN.

9. While this Court retains jurisdiction to enforce the terms of the Second Amended Stipulated Order of Taking and this Stipulated Final Judgment, there being no further matters pending before this Court as to Parcels W-261.1, W-261A.1, W-262.1 and W-262.6, this matter

stands dismissed and counsel for MANATEE is hereby ordered to file a final disposition form with the Clerk.

DONE AND ORDERED in chambers at Bradenton, Manatee County, Florida, on this \_\_\_\_\_ day of December 2016.

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DON T. HALL  
Circuit Court Judge

Conformed copies to:

W. Campbell McLean  
Pamela J. D'Agostino  
S. W. Moore  
Janelle L. Esposito, Esq.

**JOINT MOTION FOR ENTRY OF STIPULATED FINAL  
JUDGMENT AS TO PARCELS W-261.1, W-261A.1, W-262.1 AND W-262.6**

Petitioner, MANATEE COUNTY, a political subdivision of the State of Florida, and Defendant, PRESBYTERIAN RETIREMENT COMMUNITIES, INC., a Florida non-profit corporation, f/k/a PRESBYTERIAN HOMES OF THE SYNOD OF FLORIDA, a Florida non-profit corporation, d/b/a WESTMINSTER COMMUNITIES OF BRADENTON, d/b/a WESTMINSTER MANOR OF BRADENTON, by and through their respective attorneys, move for the entry of the foregoing Stipulated Final Judgment as to Parcels W-261.1, W-261A.1, W-262.1 and W-262.6.

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MANATEE COUNTY

Dated: \_\_\_\_\_

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PRESBYTERIAN RETIREMENT  
COMMUNITIES, INC., a Florida non-profit  
corporation, etc.

Dated: 11/21/2016