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IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT
IN AND FOR COLLIER COUNTY, FLORIDA
CIVIL ACTION

2719735 OR: 2748 PG: 3354

RECORDED in OFFICIAL RECORDS of COLLIER COUNTY, FL
11/30/2000 at 11:20AM DWIGHT H. BROCK, CLERK
RBC 788 24.00

COLLIER COUNTY, FLORIDA, a
political subdivision of the State of
Florida,

Re:
CIVIL

Case No.: 99-2165-CA

Petitioner,

Parcel Nos.: 117 & 717

vs.

FAITH BIBLE CHURCH OF NAPLES,
INC., et al.,

Respondents.

FILED
COLLIER COUNTY, FLORIDA
700 NOV 21 PM 4:16
CLERK - CLERK
BY: [Signature] D.C.

STIPULATED FINAL JUDGMENT

THIS CAUSE having come before the Court upon Joint Motion made by Petitioner, by and through its undersigned counsel, and Respondents, RAYMOND J. CLEARY, JR. and THOMAS J. CLEARY, by and through their undersigned counsel, for entry of a Stipulated Final Judgment as to Parcel Nos. 117 and 717, and it appearing to the Court that the parties are authorized to make such Motion, the Court finding that the compensation to be paid by Petitioner is the full compensation due the Respondents, RAYMOND J. CLEARY, JR. and THOMAS J. CLEARY, and the Court being otherwise fully advised in the premises thereof, it is thereupon

ORDERED AND ADJUDGED that Respondents, RAYMOND J. CLEARY, JR., and THOMAS J. CLEARY, have and recover from Petitioner, COLLIER COUNTY, FLORIDA, the sum of Twenty-five Thousand Dollars and No/100 (\$25,000.00) for Parcel Nos. 117 and 717 as full payment for the property interests taken and for damages resulting to the remainder, if less than

the entire property was taken, business damages, and for all other damages in connection with said parcel; it is further

ORDERED that upon development of Parcel Nos. 117 and 717, if Petitioner requires Respondents, pursuant to Section 104.2.1.d of County Ordinance No. 98-76, as amended, or its successor provision, to place fill on Respondents' parent tract or otherwise increase the finished floor elevation of the parent tract as a result of the four-laning of Immokalee Road from I-75 to CR951 and the resulting finished elevation of Immokalee Road, then Collier County shall compensate Respondents for their actual costs up to \$36,000.00.

ORDERED that the Petitioner shall construct the turnout for the 24 foot drive known as John Michaels Road centered along the property line between the Respondents' property and the property immediately adjacent to the Respondents' property to the west, as further consideration for this Stipulated Final Judgment in connection with the above styled cause of action as it relates to Parcel Nos. 117 and 717; and it is further

ORDERED that the setbacks for the remainder property are appropriately reduced by the taking of Parcel 117 pursuant to Section 2.1.13 of the Collier County Land Development Code; and it is further

ORDERED that if Respondents, Raymond J. Cleary, Jr. and Thomas J. Cleary, are entitled to construct a dwelling unit on the parent tract, then Respondents may construct a dwelling unit on the remainder tract pursuant to Section 2.1.13 of the Collier County Land Development Code; and it is further

ORDERED that Respondents, RAYMOND J. CLEARY, JR. and THOMAS J. CLEARY, receive from Petitioner as a reasonable attorney fee in the sum of Five Thousand and No/100

Dollars (\$5,000.00). No other attorney fees or costs shall be awarded in connection with the above-styled cause of action as it relates to Parcel Nos. 117 and 717; and it is further

ORDERED that the Petitioner, COLLIER COUNTY, FLORIDA, shall deposit an additional Twelve Thousand Eight Hundred Fifty and No/100 Dollars (\$12,850.00), subject to the approval of the Board of County Commissioners, into the registry of this Court within 30 days of the date of this Stipulated Final Judgment; and it is further

ORDERED that the Clerk of this Court shall disburse the total amount of Twenty Five Thousand and No/100 Dollars (\$25,000.00) to Timothy W. Ferguson Trust Account, c/o Timothy W. Ferguson, Esquire, 2272 Airport Road South, Suite 210, Naples, FL 34112, less any amounts previously paid for the benefit of Respondents, RAYMOND J. CLEARY, JR. and THOMAS J. CLEARY; and it is further

ORDERED that the Clerk of this Court shall disburse the sum of Five Thousand and No/100 Dollars (\$5,000.00), being the Respondents' attorney fees to Timothy W. Ferguson, Esq., 2272 Airport Road South, Suite 210, Naples, Florida 34112; it is further

ORDERED that title to Parcel No. 117 (fee simple) and Parcel No. 717 (temporary construction easement) being fully described in Exhibit "A" attached hereto and incorporated herein, which vested in Petitioner pursuant to the Order of Taking dated August 27, 1999, and the deposit of money heretofore made, is approved, ratified, and confirmed; it is further

ORDERED that the Notice of Lis Pendens filed in the above-styled cause and recorded in Official Record Book 2566, Page 2536 of the Public Records of Collier County, Florida be dismissed as to Parcel Nos. 117 and 717; it is therefor

OR: 2748 PG: 3357

DONE AND ORDERED in Chambers at Naples, Collier County, Florida, this 21
day of Nov, 2000.

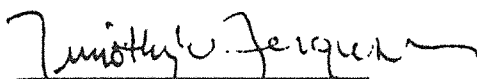

Circuit Court Judge

Conformed copies to:
/ Heidi F. Ashton, Esq.
/ Timothy W. Ferguson, Esq.
/ Vincent Murphy, Esq.
Bookkeeping
/ *from / tax collector*
11/27 cm

JOINT MOTION FOR STIPULATED FINAL JUDGMENT

The Petitioner, through its undersigned counsel, and Respondents, RAYMOND J. CLEARY, JR., and THOMAS J. CLEARY, through their undersigned counsel, hereby stipulate and respectfully request this Court to enter the foregoing Stipulated Final Judgment.

Dated: 11-14-00



TIMOTHY W. FERGUSON, ESQ.
Florida Bar No. 906905
2272 Airport Road South
Suite 210
Naples, Florida 34112
(941) 774-4411 - Telephone
(941) 775-3706 - Facsimile
Attorney for Respondents

Dated: 11-14-00



HEIDI F. ASHTON, ESQ.
Florida Bar No. 0966770
County Attorney's Office
Harmon Turner Building
3301 East Tamiami Trail
Naples, Florida 34112
(941) 774-8400 - Telephone
(941) 774-0225 - Facsimile
Attorney for Petitioner

PUBLIC WORKS ENGINEERING DEPARTMENT
3301 EAST TAMiami TRAIL NAPLES, FLORIDA 34112
(941) 774-8192

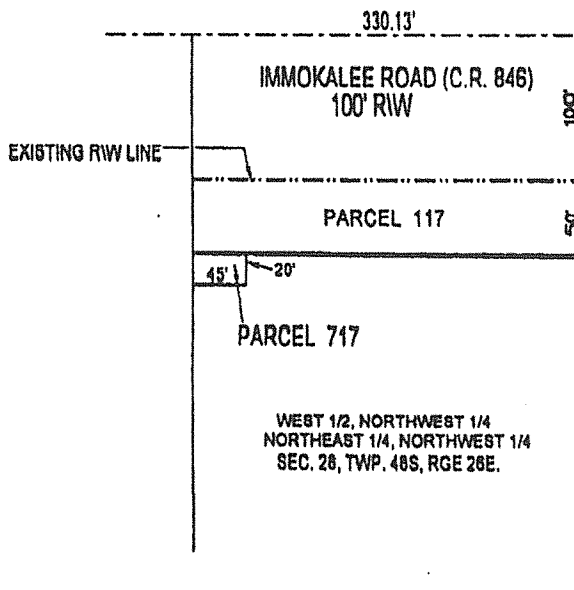
SKETCH OF DESCRIPTION

NOT A SURVEY

PROJECT NO.....69101

PARCEL NOS.....117 & 717

FOLIO NO....00135080003.....



*** OR: 2748 PG: 3358 ***

DESCRIPTION (PARCEL 117) fee simple title

THE SOUTH FIFTY (50) FEET OF THE NORTH 150 FEET OF THE WEST HALF
OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE
NORTHWEST QUARTER OF SECTION 28, TOWNSHIP 48 SOUTH, RANGE 26
EAST, COLLIER COUNTY, FLORIDA.
CONTAINING 16,507 SQUARE FEET OR .379 ACRES

DESCRIPTION (PARCEL 717) temporary construction easement

THE SOUTH TWENTY (20) FEET OF THE NORTH 170 FEET OF THE WEST
FORTY FIVE (45) OF THE WEST HALF OF THE NORTHWEST QUARTER
OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF
SECTION 28, TOWNSHIP 48 SOUTH, RANGE 26 EAST,
COLLIER COUNTY, FLORIDA.
CONTAINING 900 SQUARE FEET OR .021 ACRES

GENERAL NOTES

- 1) P.O.C. = POINT OF COMMENCEMENT
- 2) P.O.B. = POINT OF BEGINNING
- 3) SEC. = SECTION
- 4) TWP. = TOWNSHIP
- 5) RGE. = RANGE
- 6) RIW = RIGHT OF WAY
- 7) ALL DISTANCES ARE IN FEET AND DECIMALS THEREOF
- 8) NOT VALID UNLESS SIGNED AND SEALED WITH THE
EMBOSSED SEAL OF A PROFESSIONAL LAND SURVEYOR

EXHIBIT

PREPARED BY

DATE 4/15/99
GEORGE R. RICHMOND
PROFESSIONAL LAND SURVEYOR-FL. REG. # 2408
PUBLIC WORKS ENGINEERING DEPT.
COLLIER COUNTY GOVERNMENT COMPLEX
3301 EAST TAMiami TRAIL
NAPLES, FLORIDA 34112

DRAWN BY CHECKED BY SCALE DATE FILE NO.