

IN THE CIRCUIT COURT FOR SUMTER COUNTY, FLORIDA

SUMTER COUNTY, FLORIDA,)	
)	CASE NO. 2009 CA 000467
Petitioner,)	
vs.)	PARCEL: 133
)	
TURKEY RUN 2, LLC, a Florida limited liability company, et al.,)	
)	
Respondents.)	

STIPULATED FINAL JUDGMENT CONCERNING PARCEL 133

THIS CAUSE came to be considered pursuant to the attached Joint Motion to Enter Stipulated Final Judgment Concerning Parcel 133 filed by Petitioner Sumter County (the "**County**") and Respondents Raymond Penrose Beaumont, Trustee of the Raymond Penrose Beaumont Family Trust dated March 23, 1999 and June B. Beaumont, Trustee of the June B. Beaumont Family Trust dated March 23, 1999 ("**Respondents**"). Upon reviewing the motion and the file, and being otherwise fully advised in the premises, the Court

ORDERED AND ADJUDGED:

1. The parties have reached a settlement of disputed claims, and their attached Joint Motion to Enter Stipulated Final Judgment Concerning Parcel 133 is hereby **GRANTED**.
2. On or about May 27, 2009, the County filed its petition for the purpose of acquiring Parcel 133 through eminent domain action. In accordance with the Court's August 10, 2009 Stipulated Order of Taking Concerning Parcel 133, the County timely deposited \$2,100.00 in the court registry concerning Parcel 133 on or about August 21, 2009.
3. Respondents agree to accept the good faith estimate of value, in full and complete settlement and satisfaction of any and all claims concerning Parcel 133, including but not limited

to land and improvements taken, severance damages, business or special damages, and subject to any claims for apportionment.

4. The County agrees to construct three driveway connections connecting the road to the Respondents' property, at the County's expense and with approval of Respondents at the approximate locations identified within the Amended Permission to Perform Miscellaneous Construction, a copy of which is attached hereto as Exhibit "A."

5. The County further agrees to make changes to the median openings along CR 462 and CR 466A pursuant to Composite Exhibit "B."

6. Within 30 days from entry of this Stipulated Final Judgment, the County shall pay the total amount of \$3,600.00 in full and complete satisfaction of any and all reasonable attorney's fees and costs concerning Parcel 133. This amount shall be payable to Fixel, Maguire and Willis, P.A., c/o Raymer F. Maguire, Esquire, 1010 Executive Center Drive, Suite 121, Orlando, FL 32803.

7. Within 30 days from entry of this Stipulated Final Judgment, the County shall pay the total amount of \$4,673.00 in full and complete satisfaction of any and all reasonable expert fees and costs concerning Parcel 133. This amount shall be payable to the Trust Account of Fixel, Maguire and Willis, P.A., c/o Raymer F. Maguire, Esquire, 1010 Executive Center Drive, Suite 121, Orlando, FL 32803.

8. Upon entry of this Stipulated Final Judgment, the County shall be deemed to own a fee simple right of way in Parcel 133, and shall have fully and completely satisfied any and all pending claims in this case concerning Parcel 133, including but not limited to the order of taking, full compensation, land and improvements taken, severance damages, business and special damages, any other type of damages recoverable in eminent domain, interest, the value of any liens, leases, encumbrances, options, or contracts, all pending motions, and apportionment

claims, and including all monetary and non-monetary attorney's fees and costs and expert fees and costs.

9. There are no remaining issues to be decided by the Court, and therefore, this case matter regarding Parcel 133 is now concluded.

DONE AND ORDERED, this ____ day of _____, 20____, in chambers in Bushnell, Sumter County, Florida.

Circuit Judge

I hereby certify that a true and correct copy of the above and foregoing has been furnished to each of the following named addresses by [] regular U.S. Mail and/or [] facsimile or [] hand delivery on this ____ day of _____, 20__.

Vivian Arenas-Battles, Esquire
de la Parte & Gilbert, P.A.
Post Office Box 2350
Tampa, Florida 33601-2350
(Attorney for Sumter County)

Felix M. Adams, Esquire
138 Bushnell Plaza, Suite 201
Bushnell, FL 33513
(Attorney for Tom Swain, Sumter County Tax Collector)

Raymer F. Maguire, III, Esquire
Fixel, Maguire and Willis
1010 Executive Center Drive, Suite 121
Orlando, FL 32803
(Attorney for Respondents)

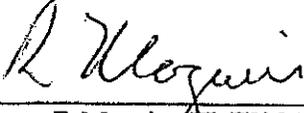
Judicial Assistant

**JOINT MOTION TO ENTER STIPULATED FINAL
JUDGMENT CONCERNING PARCEL 133**

Petitioner Sumter County, Florida and Respondents Raymond Penrose Beaumont, Trustee of the Raymond Penrose Beaumont Family Trust dated March 23, 1999 and June B. Beaumont, Trustee of the June B. Beaumont Family Trust dated March 23, 1999, by and through their

undersigned attorneys, hereby stipulate to, and move the Court to enter, the foregoing Stipulated Final Judgment Concerning Parcel 133.

Vivian Arenas-Battles, FBN 606261
David M. Caldevilla, FBN 654248
de la Parte & Gilbert, P.A.
Post Office Box 2350
Tampa, Florida 33601-2350
Telephone: (813)229-2775
COUNSEL FOR SUMTER COUNTY



Raymer F. Maguire, III, FBN 0286885
Fixel, Maguire & Willis
1010 Executive Center, Suite 121
Orlando, Florida 32803
Telephone (407) 228-9522
COUNSEL FOR RESPONDENTS

Date: _____

Date: 1/13/10

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing has been furnished to each of the following named addresses by [] regular U.S. Mail and/or [] facsimile or [] hand delivery on this _____ day of _____, 20__.

Raymer F. Maguire, III, Esquire
Fixel, Maguire and Willis
1010 Executive Center Drive, Suite 121
Orlando, FL 32803
(Attorney for Respondents)

Felix M. Adams, Esquire
138 Bushnell Plaza, Suite 201
Bushnell, FL 33513
(Attorney for Tom Swain, Sumter County Tax Collector)

Vivian Arenas-Battles, FBN 606261

204707v2

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AMENDED
PERMISSION TO PERFORM MISCELLANEOUS CONSTRUCTION

Raymond Penrose Beaumont, Trustee
June B. Beaumont, Trustee
5048 CR 466-A
Wildwood, FL 34785

Re: County Road 139/County Road 462 Road Improvement Project
Parcel No. 133
Tax I.D. No. G04=006

We, **Raymond Penrose Beaumont, Trustee of the Raymond Penrose Beaumont Family Trust dated March 23, 1999** and **June B. Beaumont, Trustee of the June B. Beaumont Family Trust dated March 23, 1999**, owners of the property located at **5048 CR 466A, Wildwood, FL 34785**, and with driveway locations identified as being located at approximately **Sta. 11+20**, on CR 462 and at approximately **Sta. 65+00**, on CR 466A in Sumter County, Florida, hereby authorize Sumter County and/or their contractors, agents, or assigns to perform the construction to harmonize the driveway locations as listed above without cost to us conditioned upon the following terms as set forth below.

The County shall replace the existing driveways with 24 foot driveways and will harmonize the driveways to a grade not exceeding 5%.

We understand and agree that this work is to be done on our property with our full consent, and we hereby waive any claims for monetary and non-monetary damages concerning the subject matter of the agreement. We further agree to not seek any monetary or non-monetary damages concerning this driveway in the eminent domain action pending in **Sumter County, Florida v. Turkey Run 2, LLC, et al., Case No. 2009-CA-000467**.

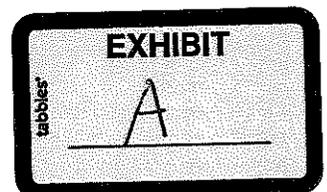
Signed: _____
Raymond Penrose Beaumont, Trustee of the Raymond
Penrose Beaumont Family Trust dated March 23, 1999

Date: _____

Signed: _____
June B. Beaumont, Trustee of the June B. Beaumont
Family Trust dated March 23, 1999

Date: _____

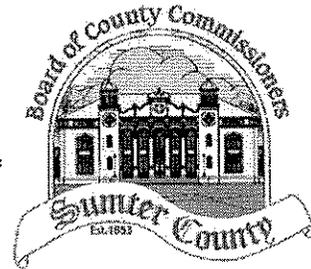
cc: Farmer Barley and Associates, Inc.
Vivian Arenas-Battles, Esq.
Raymond Penrose Beaumont, Trustee and June B. Beaumont, Trustee, Property Owners
Raymer F. Maguire, III, Esq.



Board of County Commissioners

Sumter County, Florida

910 N. Main Street, Room 201 • Bushnell, FL 33513-6146 • Phone (352) 793-0200 • FAX: (352) 793-0207
Website <http://sumtercountyfl.gov>



October 16, 2009

Mr. Anthony D. Russo, P.E.
Senior Project Manager
Tindale-Oliver and Associates
1000 North Ashley Drive
Tampa, Florida 33602

Re: C-466A Median Opening Plan from C-462 to Buena Visa Boulevard

Dear Mr. Russo:

Reference is made to your September 30, 2009 letter and attached plan regarding modifications to the C-466A plan.

The proposed plan was reviewed by Public Works staff as well as Kimley Horn and Associates who are part of the C-466A design team assembled by Farner Barley and Associates. We support the following additional median openings previously discussed.

C-462 median island modification of C-466A
C-466A at Station 80+00
C-466A at Station 90+00
C-466A at Station 114+00

By copy of this letter we are requesting Farner Barley and Associates to proceed with the above modifications

No support was realized for the proposed median modification within Station 66+00 and Station 70+00. This proposal adds a full median opening within 900 feet on a four-lane County collector and shortens the design storage for the west bound to south bound turning movement for CR 139.

Thank you for this opportunity and if you have any questions, please contact Mr. Gary Kuhl, P.E. at 352-793-0240.

Sincerely,


Bradley Arnold
County Administrator

xc: Gary Kuhl, P.E., Public Works Director
Robert Farner, P.E., President, Farner Barley and Associates
Jonathan D. Thigpen, P.E., Vice President, Kimley-Horn and Associates

Richard "Dick" Hoffman, Dist 1
(352) 753-1592 or 793-0200
910 N. Main Street
Bushnell, FL 33513

Doug Gilpin, Dist 2
Vice Chairman
(352) 793-0200
910 N. Main Street
Bushnell, FL 33513

Don Burgess, Dist 3
(352) 753-1592 or 793-0200
910 N. Main Street
Bushnell, FL 33513

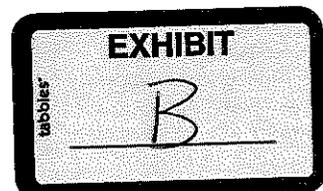
Garry Breeden, Dist 4
Chairman
(352) 793-0200
910 N. Main Street
Bushnell, FL 33513

Randy Mask, Dist 5
2nd Vice Chairman
Office: (352) 793-0200
Home: (352) 793-3930
910 N. Main Street
Bushnell, FL 33513

Bradley S. Arnold,
County Administrator
(352) 793-0200
910 N. Main Street
Bushnell, FL 33513-6146

Gloria R. Hayward, Clerk & Auditor
(352) 793-0215
209 North Florida Street
Bushnell, FL 33513

County Attorney
The Hogan Law Firm
Post Office Box 485
Brooksville, Florida 34605





Kimley-Horn
and Associates, Inc.

October 9, 2009

■
Suite 101
1321 SE 25th Loop
Ocala, Florida
34471

Mr. William F. Stevens, Jr., PE
Sumter County Public Works
319 East Anderson Avenue
Bushnell, Florida 33513

**Re: CR 466A Median Opening Plan from CR 462 to Buena Vista Boulevard;
The Villages, Florida**

Dear Bill:

Kimley-Horn and Associates, Inc. is pleased to provide this response to a request from Tindale-Oliver & Associates (TOA) to you concerning median modifications to CR 466A and CR 462 as detailed in their September 30th letter.

We understand TOA was retained by property owners Mr. Penrose Beaumont and Mr. Tom Word to request a change in the median openings as currently designed in Farner Barley & Associates plans for CR 466A. Attached to this letter is a plan provided by TOA that illustrates their requested modifications. We have numbered their requested modifications from west to east on the attached plan. A response to their request is as follows:

#1- CR 462 median modification: This modification would shorten the raised median and replace with striping, which would allow low-volume access to the property. This modification is acceptable to the design team.

#2- CR 466A, Sta 66+00 – 70+00: This modification adds a full median opening within the currently design westbound left turn lanes, creating three full median openings within 900 feet on a four-lane County collector. This is completely unacceptable to the design team. We cannot support the opening due to the additional conflicting movements that would result in such a configuration. In addition, the eastbound left turn lane proposed in TOA's exhibit would shorten the westbound left turn storage at CR 139. This is not advisable.

#3- CR 466A, second median opening east of CR 462/139 at Sta 80+00: This modification adds an eastbound 100' taper to facilitate occasional turns into agricultural or low density residential property. This modification is acceptable to the design team.

■
TEL 352 671 9451
FAX 352 671 9439



#4- CR 466A, proposed additional median opening at Sta 90+00 with eastbound taper: This modification is acceptable to the design team.

#5- CR 466A, Sta 114+00, 100' eastbound taper: This modification is acceptable to the design team.

If you have any questions or comments, please contact me.

Very truly yours,

KIMLEY-HORN AND ASSOCIATES, INC.

A handwritten signature in black ink, appearing to read "J. Thigpen".

Jonathan D. Thigpen, PE
Vice President

JDT/lh

Attachment

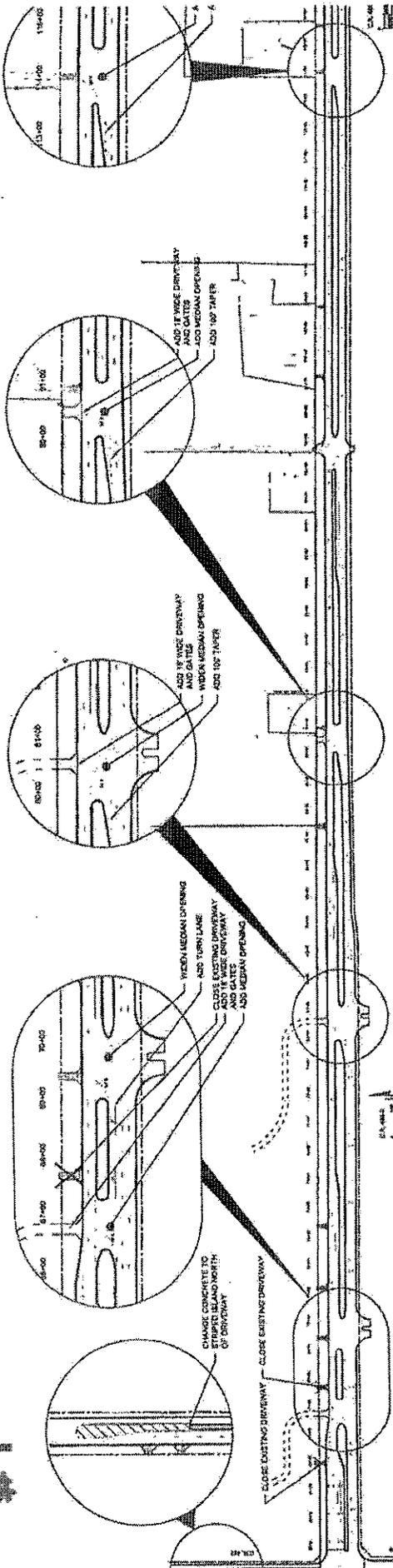
Cc: Bob Farmer – Farmer Barley and Associates, Inc.

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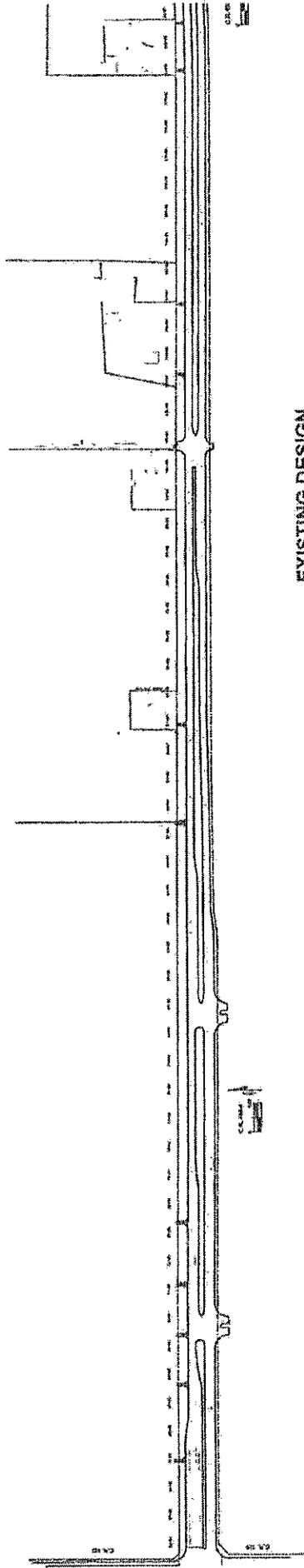
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REQUIRED DESIGN

EXISTING DESIGN





September 30, 2009

Mr. William F. Stevens, Jr., P.E., Assistant Director
Planning, Engineering and Environmental Projects
Sumter County Public Works Division
319 East Anderson Avenue
Bushnell, FL 33513
352.793.0240 Ph

Subject: CR 466A Median Opening Plan from CR 462 to Buena Vista Blvd.

Dear Mr. Stevens,

This is in response to our meeting held on September 15, 2009 at your office during which the subject median opening plan was discussed with the Villages consulting engineer.

I subsequently met with the impacted property owners, Mr. Penrose Beaumont and Mr. Tom Word to review the compromise recommendations. They still feel, because slow moving tractor-trailer trucks carrying cattle and large farm equipment into the properties require long storage lanes to escape the through traffic, some provision should be provided for refuge. To address their concern, I have shown 100' tapers to the affected median openings on the concept plan at stations 80+75, 90+50 and 114+00. We understand that the county and the villages consulting engineers have the obligation to make the appropriate decisions with regard to the safe operation of this corridor.

Mr. Beaumont requires entry into his residential property on CR 466A. I have shown a median opening and new driveway to satisfy his needs at station 66+80. In support of this new driveway he has agreed to close the two adjacent driveways.

Please provide your concurrence to this proposed access management plan as it pertains to these impacted property owners. Should you have any questions or would like to discuss this please do not hesitate to contact me. I may be reached via mobile phone at 813.434.5350 or via email at ARusso@TindaleOliver.com.

Sincerely,

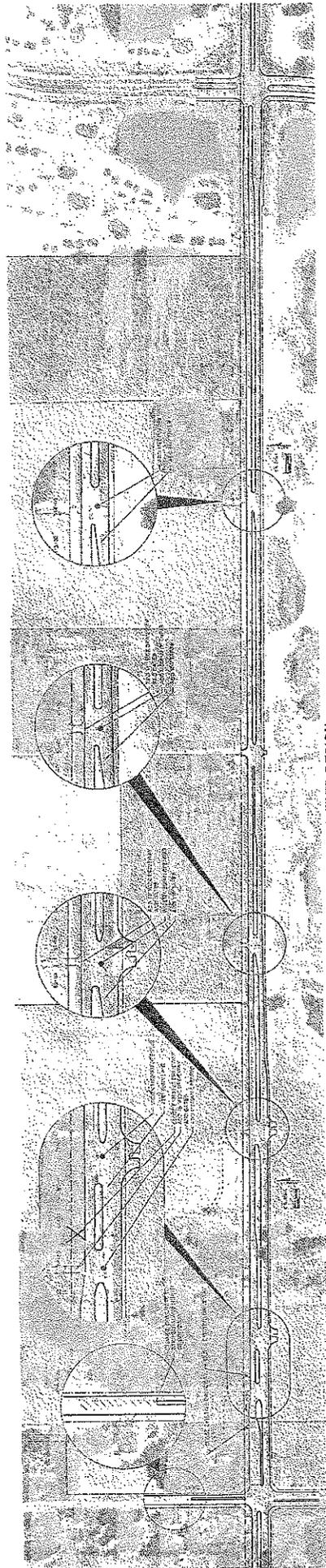
Anthony D. Russo, P.E.
Senior Project Manager

Attachment

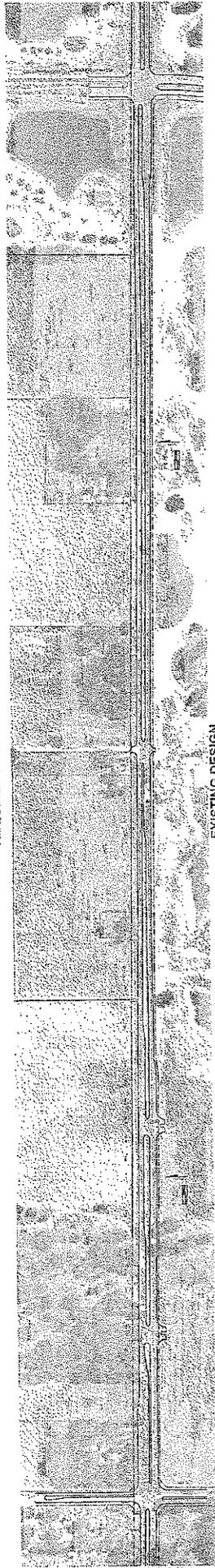
CC: Mr. Penrose Beaumont, Mr. Tom Word, Mr. Ken Davis, Esq.

77:54:60.8101

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REQUIRED DESIGN



EXISTING DESIGN