Foreign Judgment Book 1-148

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE SOUTHERN DISTRICT OF FLORIDA FORT PIERCE DIVISION UNITED STATES OF AMERICA.

Petitioner,

Forty-three parcels of land in Corry-three parcels of land in Oksechobee and Glades Counties, Florida, specifically described in the petition, required for the Right of Way for the North Shore Leves and Taylor Creek Improvement,

No. 38 Ft. Pierce

OKEECHOREK COMPANY, a Florida corporation, and others named in the potition,

U. S. Civil

Respondents.

## FINAL JUDGMENT

This cause came on regularly for trial before the Court and a Jury, who, after being duly impaneled and sworn and after having heard the testimony and evidence produced before them and the instructions of the Court, and having retired to consider their verdict, returned to open court and rendered the following verdict:

WE, THE JURY, FIND THAT:

An accurate description of the property taken herein is as follows: The full and complete and perpetual right, power and privilege to enter upon and use the lands hereinafter described at any time as may be required in the construction and maintenance of levees in the carrying out of the project adopted by Rivers and Harbors Act of Congress, approved July 3, 1930, 46 Stat. 925, for Calcosahatchee River and Lake Okeechobee Drainage Areas in the State of Florida, in accordance with the report submitted in Senate Document 115, Seventy-first Congress, second session, to-wit:

Percels 4-1-MS, 4-A-MS, 4-AB-MS, 4-AC-MS, 4-AC-MS, 4-AF-MS, 4-B-MS, LC-HS, L-11A, L-BAX, L-BCXA, L-CAA, L-CBA, L-CC, L-CD, L-CE, L-CXX, 1-BS that part of said parcel lying in the 8% of Lot 42, according to a plat of Section 7 and fractional parts of Sections 5, 6, 5, 17, 15 and 19, of Townanip 36 Scuth, Range 35 East, made by Okeechobee Engineering Company and Filed in the office of the Clerk of the Circuit Court in and for Okeechobee County, in Plat Book 1, page 31 4-CXXA, less that part of said parcel lying in the Si of Lot 42, according to a plat of Section 7 and fractional parts of Sections. 5, 6, 8, 17, 18 and 19, of Township 38 South, Range 35 East, made by Okeschobes Engineering Company and filed in the office of the Clerk of the Circuit Court in and for Okeechobee County, in Plat Book 1, page 31, 4 mx, 4 mx, 4 mx and 4 YX, according to Plat of Division 4 Right of Way Map for the North Shore Levee and Taylor Creek Improvement in Okeechobee County, Florida, as filed in Plat Book 2 page 83, of the Public Records of Okeechobse County, Florida.

Parcels 1-BCXB, 4-CAB, 4-CBB, 4-CXAX, 4-CF, 4-GA and 4-GD, according to Plat of Division 4 Right of Way Map for the North Shore Leves and Taylor Creek Improvement in Glades County, Florida, as filed in Plat Book 2, page 36, of the public Records of Glades County, Florida,

The perpetual right, power and privilege to enter upon, excavate, out away and

remove any, all of the \_and hereinafter described as may be required for the improvement and maintenance of Taylor Creek in Okeechobes County, Florida, or any enlargement thereof, and to maintain the portion so excavated and the channel to be created as a part of the navigable waters of the United States; and the further right to enter upon, occupy and use any portion of the land not so cut away and converted into public navigable waters, for the deposit of dredged material and for such other purposes as may be needful in the preservation and maintenance of said Taylor Creek, to-wit:

Parcels 4\_DD\_TC, 4\_DE\_TC, 4\_DA\_TC, 4\_CC\_TC, 4\_CB\_TC, 4\_CA\_TC, 4\_C\_TC, 4\_B\_TC, 4\_D\_TC, 4\_CD\_TC, 4\_CD\_TC, 4\_CB\_TC, 4\_CT\_C, 4\_CT\_

TT

\*The compensation to be made for the easements taken in the said tract or parcels of land is the sum of \$27,569.42.

## III.

The amount of such total compensation, to which the owner or owners of each tract or parcel are entitled, is as follows: Parcel 4-1-NS, described above, \$551.10 Ownership not proven Parcel 4-A-MS, described above, \$750.00 Omnership not proven Parcel 4-AB-NS, described above, 233.00 Ownership not proven Percel 4\_AC\_HS, described above, 1019.90 Ownership not proven Parcel 4-AD-NB, described above, 46.00 Ownership mt proven Parcel 4\_AE\_NS, described above, 31.00 Ownership not proven Parcel 4\_AF\_NS, described above, 40.00 Ownership not proven Parcel 4-B-NB, described above, 902.40 Ownership not proven Parcel 4-C-NS, described above, None Ownership not proven Parcel 4-11A, described above, . 1.00 Ownership not proven Parcel 4\_BAX, described above, 1.00 Ownership not proven Parcel 4\_HCXA, described above, 103.95 Ownership not proven Parcel 4\_CtA, described above, 459.90 Ownership not proven Parcel 4\_GBA, described above, 520.10 Ownership not proven Parcel 4-CC. described above. 1.00 Ownership not proven Parcel 4\_CD, described above, 3,750.00 Ownership not proven Parcel 4-CE, described above.3.750.00 Ownership not proven Parcel 4\_CXX, described above, 432.00 Ownership not proven Parcel 4 COXA, described above, 1,575.00 Ownership not proven Parcel 4-DXX, described above, 325.35 Ownership not proven Parcel 4 EX, described above, 672.00 Ownership not proven Parcel 4-FX, described above, 506.45 Ownership not proven Parcel 4.x, described above,1,949.32 Ownership not proven Parcel 4\_YX, described above,1,760:15 Ownership not proven Parcel 4\_BCKB, described above, 1.00 Ownership not proven Parcel 4-CAB, described above, 522.40 Ownership not proven Parcel 4-CBB, described above, 151.40 Ownership not proven Parcel 4-CXAX, described above, 587.00 Ownership not proven Paresi H=OF, described above, 6.30 Ownership not proven

Parcel 4-GA, described . sove. 1,072,40 Ownership not proven Parcel 4-0D, described above, 5.00 Ownership not proven Parcel 4-DD-TC, described above: 1,076.00 Ownership not proven Parcel 4-DE-TC, described above, 1.00 Ownership not proven Parcel 4-DA-TC, described above, 1,478.40 Ownership not proven Parcel 4\_CC\_TC, described above, 808.20 Ownership not proven Parcel 4-CB-TC, described above, 412.20 Ownership not proven Parcel 4-CA-fC, described above. 1.00 Ownership not proven Parcel 4-C-TC, described above, 905.70 Ownership not proven Parcel 4-B-TC, described above, 1,308.40 Ownership not proven Parcel 4-D-TC, described above, 14,40 Ownership not proven Parcel 4\_CD\_TC, described above, 33.60 Ownership not proven Parcel 4-A-TC, described above, 102.40 Ownership not proven Parcel 1-1-TC, described above, None Ownership not proven \*80 SAY WE ALL.

\*DATED this 16 day of February, 1937.

## D. A. WALSH

And it appearing unto the Court from the records in this cause that all respondents and all persons interested in or having liens upon the property involved in this proceeding have been duly and regularly served with process and notified, and that jurisdiction has been acquired over the same and that heretofore a default has been entered against all of the respondents who failed to answer as had been directed by the process of this Court, and no cause having been shown or attempted to be shown white the respective easements in the tracts or parcels of land hereinafter described should not be taken by the United States of America for the uses and purposes set forth in the petition, and the petitioner at the trial having affirmatively proven its right to maintain this proceeding, and the Court having considered the pleadings, the wordlot of the Jury, and the proof adduced at the trial, and being fully advised in the premises:

IT IS, THEREUPON, ORDERED, ADJUDGED AND DECREED AS FOLLOWS:

1. That the full, complete and perpetual right, power and privilege to enter upon and use the lands hereinafter described at any time as may be required in the construction and maintenance of levees in the carrying out of the project adopted by Rivers and Harbors Act of Congress, approved July 3, 1930, 46 Stat. 925, for Calcosahatchee River and Lake Okcechebee Drainage Areas in the State of Florida, in accordance with the report submitted in Senate Document 115, Seventy-first Congress, second session, to-wit: Parcels 4-1-NS, 4-A-NS, 4-AB-NS, 4-AC-NS, 4-AD-NS, 4-AE-NS, 4-AF-NS, 4-B-NS, 1-C-NB, 1-11A, 1-BAX, 1-BCXA, 1-CAA, 1-CBA, 1-CC, 1-CD, 1-CE, 1-CXX, 1ess that part of said parcel lying in the 82 of Lot 42, according to a plat of Section 7 and fractional parts of Sections 5, 6, 8, 17, 18 and 19, of Township 38 South, Range 35 East, made by Okeechobee Engineering Company and filed in the office of the Clerk of the Girouit Court in and for Okeechobee County, in Plat Book 1, page 31, 4-CXXA, less that part of said parcel lying in the 32 of Lot 42, according to a plat of Section 7 and fractional parts of Sections 5, 6, 8, 17, 18 and 19, of Township 38 South, Range 35 East, made by Okceohobee Engineering Company and filed in the office of the Clerk of the Circuit Court in and for Okeechobee County, in Plat Book 1, page 31, 4-DCK,

4-EX, 4-FX, F. Fand 4-TX, according to Plat of Division 4 Right of Way Map for the North Shore Leves and Taylor Creep Improvement in Okeechobed County, Florida, as filed in Plat Book 2, page 83, of the Public Records of Okee-chobee County, Florida,

Parcels 4-ECXB, 4-CAB, 4-CBB, 4-CXAX, 4-CF, 4-GA and 4-GD, according to Plat of Division 4 Right of Way Kap for the North Shore Leves and Taylor Creek. Improvement in Glades County, Florida, as filed in Plat Book 2, page 56, of the Public Records of Glades County, Florida,

The perpetual right, power and privilege to enter upon, excavate, cut away and remove any and all of the land hereinafter described as may be required for the improvement and maintenance of Taylor Greek in Okeechobee County; Florida, or any enlargement thereof, and to maintain the portion so excavated and the channel to be created as a part of the navigable waters of the United States; and the further right to enter upon, occupy and use any portion of the land not so cut away and converted into public navigable waters, for the deposit of dredged material and for such other purposes as may be needful in the preservation and maintenance of said Taylor Creek, to-wit:

Parcels 4-DD-TC, 4-DE-TC, 4-DA-TC, 4-CC-TC, 4-CB-TC, 4-CA-TC, 4-C-TC, 4-B-TC, 4-D-TC, 4-CD-TC, 4-CC-TC, 4-CC-TC,

be appropriated to and vested in the United States of America, free and clear of all liens, encumbrances, charges, easements, servitudes, restrictions and covenants what-soever, of, under, through or by the respondents herein, and any other person or persons whomsoever, upon the payment into the Registry of this Court by the petitioner herein, or someone in its behalf, of the compensation found by the verdict of the Jury in the total sum of \$27,869.42, and said sum is hereby ordered paid into said Registry within thirty days from the date of this judgment.

- 2. That there is hereby awarded as compensation to the person or persons entitled to receive the award as to each parcel the respective amounts set out in paragraph III of the verdict of the Jury herein recited, and jurisdiction of this cause is retained for the purpose of adjudicating, upon appropriate proceedings to be hereafter had in this cause, who is entitled to receive the award as to each parcel, and for the purpose of apportioning the award as to any parcel where an apportionment should be made, and for the purpose of making all necessary orders with respect to the proper distribution of the award.
- 3. That upon the payment of the taid sum of \$27,869.42 into the Registry of this Court, as above provided, petitioner shall be deemed to have had the right from the date of the order authorizing immediate possession entered herein on the 31st day of August, 1936, to take and use the property hereinabove described, for the uses and purposes set forth in the petition filed herein and hereinabove enumerated.

DONE AND ORDERED at Maimi, Florida, this 20th day of February, 1937.

John W. Holland United States District Judge.

WR.

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE SOUTHERN DISTRICT OF FLORIDA FORT PIERCE DIVISION

U. S. Civ. No. 38 Ft. Pierce

UNITED STATES OF AMERICA,
Petitioner,

Forty-three parcels of land in Okeechobee and Glades Counties, Florida, specifically described in the petition, required for the Right of Way for the North Shore Levee and Taylor Creek Improvement,

ORDER ADJUDGING THAT JUDGMENT HAS BEEN PAID, SATISFIED AND DISCHARGED

OKEECHOBEE CCMPANY, a Florida Corporation, and others named in the petition,

Respondents.

This cause having again come on to be heard upon the motion of the petitioner for the entry of an order permitting the application of the deposit made in the Registry of this Court on the 31st day of August, 1936, towards the payment of the judgment, and for the entry of an order adjudging that the judgment entered herein has been paid, satisfied and discharged, and the Court being advised in the premises,

IT IS ORDERED that said motion of the petitioner.be, and the same hereby is granted, and that the sum of \$12,601.60, deposited into the Registry of this Court in this cause on the 31st day of August, 1936, do stand and be a payment on the Judgment entered herein, and that the sum of \$15,267.82 paid into the Registry of this Court on the 20th day of February, 1937, do constitute the payment of the balance of the said judgment.

IT IS FURTHER ORDERED that there has been paid into the Registry of this Court the total sum of \$27,869.42, being the amount of the judgment entered herein, and that the Judgment entered herein the 20th day of February, 1937, is paid, satisfied and fully discharged.

DONE AND ORDERED at Miami, Florida, this 20th day of February, 1937.

John W. Holland United States District Judge

UNITED STATES OF AMERICA Southern District of Florida

I, Edwin R. Williams, Clerk of the United States District Court in and for the Southern ... District of Florida, do hereby certify that the annexed and foregoing is a true and full copy of the original Final Judgment filed February 20, 1937 and Order Adjudging That Judgment has been Paid, Satisfied and Discharged filed February 20, 1937 in case No. 38-Nort Pierce Civil, United States of America versus Forty-three parcels of Land in Okeechobee and Glades Counties, Florida; specifically described in the petition, required for the Right of Way for the North Shore Leves and Taylor Creek Improvement, Okeechobee Company, a Florida corporation, and others named in the petition. now remaining among the records of the said Court in my office.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed the seal of the aforesaid Court at Miami, Florida this 25th day of March, A. D. 1937.

> Edwin R. Williams. Clerk.

(SEAL)

Cell Deputy Clerk. Albert E.

Filed for record the 30th day of March, A. D. 1937.

(Circuit Court Seni)

KECURD VERIFIED

## EASEMENT DEED

THIS DEED made this 14th, day of September

936, between Trustees of the Internal Improvement Fund

a corporation created and existing under the laws of the State of party of the first part, and the UNITED STATES OF AMERICA, party of the second part, WITNESSETH THAT:

WHEREAS, the Congress of the United States in an act authorizing the construction, repair and preservation of certain public works on rivers and harbors approved July 3, 1930 (Public No. 527, 71st Congress, H. R. 11781), did adopt and authorize as a work of improvement at the expense of the United States a project for the improvement of the Caloosahatchee River and Lake Okeechobee drainage areas, in accordance with reports submitted in Senate Document No. 115, 71st Congress, second session, and as modified by the said Congressional Act above referred to, subject to the condition, among others, that local interests shall acquire the necessary right of way and make the same available to the United States, free of costs; and,

WHEREAS, the party of the first part is the owner of those tracts or parcels of land situated in County State of Florida, and more particularly bounded and described as follows:

The following parcels of land as designated and

shown on a certain filing plat of the Right of Way for the Morth Shore Leves and Taylor Creek Improvement filed in the official records of Greechobes County, Florida, in Plat Book 2, Page 85.

4-21A, 4-8, 4-4, 4-5, 4-6, 4-7, 4-8, 4-9, 4-104EA, 4-10X, 4-14XX, 4-15X, 4-16X, 4-DXX, 4-GB, 4-GC, 4-1-TC.

$$(4-7)$$
  $4 \stackrel{?}{?} 9 - 385 - 35 \stackrel{?}{=}$   
 $(4-6)$   $3 - 385 - 35 \stackrel{?}{=}$   
 $(4-5)$   $34 - 375 - 35 \stackrel{?}{=}$   
 $(4-4)$   $35 - 375 - 35 \stackrel{?}{=}$   
 $(4-3)$   $36 - 375 - 35 \stackrel{?}{=}$   
 $(4-2XA) - 31 - 375 - 35 \stackrel{?}{=}$   
 $-6 - 385 - 35 \stackrel{?}{=}$ 

AND WHEREAS, the said tract..... or parcel..... of land...... required for right of way purposes in connection with the improvement of the aforesaid Caloosahatchee River:

NOW THEREFORE, the said party of the first part for and in consideration of the sum of Ten Dollars (\$10.00) and other valuable consideration, paid on behalf of the said party of the second part, the receipt whereof is hereby acknowledged, has granted, bargained, sold and conveyed, and does hereby grant, bargain, sell and convey unto the said party of the second part and its assigns, the perpetual right and easement to enter upon, excavate, cut away, and remove any or all of the hereinbefore described tract..... of land as may be required at any time for the improvement and maintenance of the said Caloosahatchee River, or any enlargement thereof, and to maintain the portion so excavated and the channel thereby created as a part of the navigable waters of the United States; and the further perpetual right and easement to enter upon, occupy and use any portion of said tract...... of land, not so cut away and converted into public navigable waters as aforesaid, for the deposit of dredged material, and for such other purposes as may be needful in the preservation and maintenance of the said Caloosahatchee River: RESERVING, HOWEVER, to the party of the first part, its successors and assigns, all such rights and privileges in said tract..... of land as may be used and enjoyed without interfering with or abridging the rights and easements hereby conveyed to the party of the second part.

TO HAVE AND TO HOLD the said rights and easements unto the party of the second part, the UNITED STATES OF AMERICA and its assigns for the purposes aforesaid forever. And the said party of the first part, for itself and for its successors and assigns, does hereby covenant with the party of the second part that it is lawfully seized in fee of the aforegranted premises; that it has good right and authority to sell and convey the same in manner and form as aforesaid; and that it will warrant and defend the title of the same to the said party of the second part, and its assigns against the lawful claims and demands of all persons.

IN WITNESS WHEREOF, the said part of the first part has caused its corporate name to be hereunto subscribed by its President, thereto duly authorized, and its corporate seal to be hereto affixed and attested by its Secretary, on the day and year first above written.

Signed, sealed and delivered in our presence:

President

Attest:

Secretary

STATE OF	
COUNTY OF	
I HEDERY CEPTIEV That any this	day personally appeared before me, an officer
duly authorized to administer oaths and tal	ncknowledgments,
an	nd
respectively, President and Secretary of	
a corporation under the laws of the State of	of, teme well known to be
the persons described in and who executed	the foregoing conveyance to the UNITED
	knowledged the execution thereof to be their
	ses and purposes therein mentioned; and that
they arked thereto the official seal of said of	corporation and that the said instrument is the
and deed of said corporation.	
hanannta subscribed their names and affixed	Internal Improvement Fund of the State of Florida have I their seals, and have caused the seal of the DEPARTMENT FLORIDA, to be hereunto affixed, at the Capitol, in the City
of Tallahassee, on this the 14th,	day of September , A. D. Nineteen
Hundred and Thirty-Six.	
	David Sholtz (SEAL)
(SEAL)	J. M. Lee (SEAL)
Sent to Ben Herr	W. V. Knott (SEAL)
Harvey Bldg.,	· · · · · · · · · · · · · · · · · · ·
West Palm Beach, 9/16/1936.	Cary D. Landis (SEAL) Attorney-General.
	Nathan Mayo (SEAL) Commissioner of Agriculture.

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Doed H. 1936 Charles

CALOOSAHATCHEE RIVER AND
CALOOSEE DRAINAGE AREAS. FLORIDA

DIVISION 4

RIGHT OF WAY MAP

FOR THE

NORTH SHORE LEVEE

AND

TAYLOR CREEK IMPROVEMENT

IN

OKEECHOBEE COUNTY, FLORIDA.



