

WALK ON County Attorney

SUBJECT: Walk-On Item - Request Approval Of Two STIPULATED ORDERS OF TAKING AND FINAL JUDGMENTS Related To Two Properties To Be Acquired For The 49th Avenue South Phase Road Improvement Project We Have Reached A Settlement With Attorney Joseph M. Hanratty As To Parcel Nos. 10 AR – Dorothy Anthony, And 42 AL – ACTDT BROWN, LLC Our Road Contractor Is Commencing Work On This Project And These Acquisitions Will Expedite That Work We Are Requesting Board Approval Of These Settlements

The attached walk-on item is requesting Board approval of two stipulated orders of taking and final judgments related to two properties to be acquired for the 49th Avenue South Phase Road Improvement Project



Marion County

Board of County Commissioners

Walk-on Agenda

McPherson Governmental Campus
601 SE 25th Ave.
Ocala, FL 34471
Phone: 352-438-2323
Fax: 352-438-2324

District 1 – Craig Curry, Commissioner
District 2 – Kathy Bryant, Chairman
District 3 – Matthew McClain, Commissioner
District 4 – Carl Zalak, III, Vice-Chair
District 5 – Michelle Stone, Commissioner

Tuesday, February 4, 2025

9:00 AM

**McPherson Governmental
Campus Auditorium**

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- 8.2.** Walk-On Item - Request Approval Of Two STIPULATED ORDERS OF TAKING AND FINAL JUDGMENTS Related To Two Properties To Be Acquired For The 49th Avenue South Phase Road Improvement Project We Have Reached A Settlement With Attorney Joseph M. Hanratty As To Parcel Nos. 10 AR - Dorothy Anthony, And 42 AL - ACTDT BROWN, LLC Our Road Contractor Is Commencing Work On This Project And These Acquisitions Will Expedite That Work We Are Requesting Board Approval Of These Settlements



Marion County

Board of County Commissioners

Agenda Item

File No.: 2025-18001

Agenda Date: 2/4/2025

Agenda No.: 8.2.

SUBJECT:

Walk-On Item - Request Approval Of Two STIPULATED ORDERS OF TAKING AND FINAL JUDGMENTS Related To Two Properties To Be Acquired For The 49th Avenue South Phase Road Improvement Project We Have Reached A Settlement With Attorney Joseph M. Hanratty As To Parcel Nos. 10 AR - Dorothy Anthony, And 42 AL - ACTDT BROWN, LLC Our Road Contractor Is Commencing Work On This Project And These Acquisitions Will Expedite That Work We Are Requesting Board Approval Of These Settlements

INITIATOR:

Matthew G. Minter, County Attorney

DEPARTMENT:

County Attorney

DESCRIPTION/BACKGROUND:

We currently have 4 parcels set for hearing before Circuit Judge Lisa Herndon for a "Quick Take" hearing pursuant to Ch. 74, Florida Statutes. As a result of the two Stipulated Orders of Taking and Final Judgments (copies attached hereto), this will conclude the acquisition of two of the four parcels. Both of these parcels are "whole takes" with the ACTDT BROWN, LLC parcel being unimproved, and the DOROTHY ANTHONY parcel being improved with a single- family residence.

The Parcel No. 10 AR Dorothy Anthony settlement results in a County payment of \$530,000.00, including \$21,000 moving/relocation expenses, and \$65,000 in attorney fees. There are no expert witness fees due, and this settlement will avoid the necessity for both sides to engage additional services from expert witnesses. Ms. Anthony will be allowed extended possession for 90 days pursuant to execution of a separate lease, to remove all of her belongings and vacate the premises.

The Parcel No. 42 AL ACTDT BROWN, LLC settlement results in a County payment of \$49,310.00, including \$2,310.00 in attorney fees. As with the Dorothy Anthony parcel, there are no additional expert witness fees.

BUDGET/IMPACT:

Total budget impact of \$579,310.00 for the two acquisitions

RECOMMENDED ACTION:

Motion to approve Stipulated Orders of Taking and Final Judgments as to Parcel Nos. 10 AR and 42 AL. The County Attorney requests approval to make revisions to these settlements that do not revise the payment amounts.

**IN THE CIRCUIT COURT OF THE FIFTH JUDICIAL CIRCUIT
IN AND FOR MARION COUNTY, FLORIDA**

MARION COUNTY, a political
Subdivision of the State of Florida,

Petitioner,

vs.

CASE NO. 2024-CA-1910

DOROTHY ANTHONY and related
Mortgagee, RITHM Capital; MAHIN
APARVIZ; ELIDE JOSEPH; ACTDT BROWN,
LLC, and GEORGE ALBRIGHT, as MARION
COUNTY TAX COLLECTOR; and JIMMIE COWAN, as
MARION COUNTY PROPERTY APPRAISER;
and all unknown spouses of the above, if
any; their heirs, devisees, assigns, grantees,
creditors, lessees, executors, administrators,
mortgagees, judgment creditors, trustees,
lien holders, persons in possession, success-
ors in interest, or any and all other persons
having or claiming to have any right, title,
or interest by, through, under or against the
above-named Defendants, or otherwise
claiming any right, title, or interest in the
real property interests described in this
action,

PARCEL NOS.: 10 AR, 30 AL, 17 AR,
and 42 AL

Defendants.

**STIPULATED ORDER OF TAKING and FINAL JUDGMENT as to PARCEL NO. 10 AR
(with Disbursement Instructions to the Clerk)**

THIS CAUSE came on for consideration by the Court upon a stipulated agreement for Final Judgment between the Petitioner, MARION COUNTY, FLORIDA, and Respondents, DOROTHY ANTHONY, GEORGE ALBRIGHT as MARION COUNTY TAX COLLECTOR; JIMMY COWAN, as MARION COUNTY PROPERTY APPRAISER, and the MARION COUNTY CLERK OF COURT (the “Parties”); it appearing to the Court that the Parties were

authorized to enter into such agreement; the court finding that the taking is necessary for a public purpose, and It appearing that proper notice was first given to Respondent, and to all persons having or claiming any equity, lien, title or other interest in or to **Parcel 10 AR**, “Subject Property,” as more fully described in the attached **Exhibit “A”**; and the Court finding that the compensation to be paid by the Petitioner is full, just, and reasonable for all Parties concerned; the Court being fully advised in the premises; and the Court finding that all parties have consented to the terms of this **Stipulated Order of Taking and Final Judgment**, it is therefore,

ORDERED AND ADJUDGED:

1. That the Court has jurisdiction of this action, of the Subject Property and of the parties in this cause pursuant to Chapters 73 and 74 of the Florida Statutes.

2. That DOROTHY ANTHONY is the fee simple owner of the Subject Property and that the pleadings in this cause are sufficient as to the Subject Property and that Petitioner is properly exercising its delegated authority, and that the condemnation of the Subject Property is for a valid public purpose and necessary for that purpose. A legal description of Subject Property is attached hereto as Exhibit "A."

3. Pursuant to a Joint Motion for Entry of Stipulated Order of Taking and Final Judgment entered into by the Parties, Respondent DOROTHY ANTHONY shall have and recover from Petitioner the sum of \$530,000.00 (\$465,000.00 for Respondent less pro-rated taxes and mortgage payoff as provided herein, i.e., the “Settlement Funds” and \$65,000.00 for attorney fees to Joseph Hanratty) in full payment of any and all claims of any nature arising as a result of Petitioner’s taking of Parcel No. 10 AR, including, without limitation, compensation for land value, improvements, damages if any, attorney fees and costs, fees for non-monetary compensation (if any), and expert fees and costs broken out as follows:

(a) Four hundred thousand sixty-four thousand, eight hundred sixty-four and 91/100 dollars (\$464,864.31), less mortgage payoff specified in paragraph 5.(c), to Respondent DOROTHY ANTHONY for land value, improvements, damages, moving/ relocation expenses, and all other claims, excluding attorneys' fees and costs;

(b) Sixty-five thousand dollars (65,000.00) as reimbursement for reasonable attorney's fees for the benefit achieved, as stipulated by the Parties, for the services of Joseph Hanratty, Esq.

NOTE: There are no expert witness fees and costs.

4. Upon entry and within twenty (20) days of this Stipulated Order of Taking and Final Judgment, the Petitioner shall deposit the total sum of FIVE HUNDRED THIRTY THOUSAND AND 00/100 DOLLARS (\$530,000.00) into the Registry of the Court.

5. By the Parties' agreement, that upon deposit of the above sum, within three (3) working days thereafter, without further Order of this Court, the Clerk of the Court shall issue the following sums to the following Parties:

a. The Clerk shall issue and mail the sum of ONE HUNDRED THIRTY-FIVE and 69/100 DOLLARS (\$135.69) to GEORGE ALBRIGHT, as MARION COUNTY TAX COLLECTOR, Division of Current Real Estate Tax, P.O. Box 970, Ocala, FL 34478-0970 for pro-rated property taxes; and

b. The Clerk shall issue and mail the sum of Four hundred thousand sixty-four thousand, eight hundred sixty-four and 91/100 dollars (\$464,864.31) made payable to the Law Office of Joseph M. Hanratty, PLLC Trust Account, c/o Joseph M. Hanratty, Esquire, to the address of 500 NE 8th Avenue, Ocala, FL 34470.

c. Upon receipt of the funds referenced in paragraph 5.b. above, Joseph M. Hanratty, PA shall be responsible for payment of disbursements to Respondent DOROTHY ANTHONY.

Attorney Hanratty shall also be responsible for the payoff of the Mortgage of RITHM Capital, in the amount of \$_____ from the proceeds due to DOROTHY ANTHONY.

6. DOROTHY ANTHONY or her representative with power of attorney shall enter into the Lease Agreement attached hereto as Exhibit “___” with rent-free extended possession until May 6, 2025 for removal of personal property therefrom. DOROTHY ANTHONY agrees that any fixtures or improvements remaining in the area of taking after the Petitioner takes possession are presumed abandoned and are subject to removal by Petitioner after May 6, 2025, without further notice.

7. DOROTHY ANTHONY will terminate all utility accounts associated with Parcel No. 10 AR by contacting the utility provider and terminating all service on or before May 6, 2025. DOROTHY ANTHONY shall not incur any expense or obligation that would attach to Parcel No. 10 AR during the period of extended possession.

8. DOROTHY ANTHONY or her representative with power of attorney shall execute the Right of Entry for Petitioner to conduct Asbestos Testing (attached hereto as Exhibit “___”, and, in addition thereto, shall allow Petitioner, or its contractors, under reasonable circumstances, during business hours on Monday through Friday (and with advance notice of at least ___ days), to perform any further site analysis or evaluation consistent with Petitioner’s necessity to complete a future demolition of the onsite structures.

9. That upon Petitioner’s deposit of the sum herein above specified into the Registry of the Court, title and interest to the real property identified as Parcel No. 10 AR and described in Exhibit “A” shall vest in Petitioner and the all Petition shall have all rights of possession to Parcel No. 10 AR (subject to the terms of the Lease Agreement set forth in paragraph 6., above.

10. No additional sums are due and payable to: (a) Respondent DOROTHY ANTHONY; and (b) Respondent's attorney, as a result of the taking of Parcel No. 10 AR.

11. This Court reserves jurisdiction to enforce the terms of this Stipulated Order of Taking and Final Judgment.

DONE AND ORDERED in Chambers at Ocala, Marion County, Florida, this ____ day of February, 2025.

Honorable Lisa Herndon
CIRCUIT COURT JUDGE

Copies Furnished to:

Matthew G. Minter, Esq.
Attorney for Marion County, Florida

Joseph M. Hanratty, Esq.
Attorney for DOROTHY ANTHONY

Vanessa Thomas, Esq.
Attorney for Marion County Tax Collector
and Marion County Property Appraiser

EXHIBIT "A"
Legal Description

PIN 8001-0122-12

Project Parcel No. 10 AR

Property Interest: Fee Simple – *Whole Take*.

Legal Description of Take: *Lot 12, Block 122 MARION OAKS UNIT ONE, as per plat thereof recorded in Plat Book O, Pages 1 through 18, Public Records of Marion County, Florida.*

**IN THE CIRCUIT COURT OF THE FIFTH JUDICIAL CIRCUIT
IN AND FOR MARION COUNTY, FLORIDA**

MARION COUNTY, a political
Subdivision of the State of Florida,

Petitioner,

vs.

CASE NO. 2024-CA-1910

DOROTHY ANTHONY and related
Mortgagee, RITHM Capital; MAHIN
APARVIZ; ELIDE JOSEPH; ACTDT BROWN,
LLC, and GEORGE ALBRIGHT, as MARION
COUNTY TAX COLLECTOR; and JIMMIE COWAN, as
MARION COUNTY PROPERTY APPRAISER;
and all unknown spouses of the above, if
any; their heirs, devisees, assigns, grantees,
creditors, lessees, executors, administrators,
mortgagees, judgment creditors, trustees,
lien holders, persons in possession, success-
ors in interest, or any and all other persons
having or claiming to have any right, title,
or interest by, through, under or against the
above-named Defendants, or otherwise
claiming any right, title, or interest in the
real property interests described in this
action,

PARCEL NOS.: 10 AR, 30 AL, 17 AR,
and 42 AL

Defendants.

**STIPULATED ORDER OF TAKING and FINAL JUDGMENT as to PARCEL NO. 42 AL
(with Disbursement Instructions to the Clerk)**

THIS CAUSE came on for consideration by the Court upon a stipulated agreement for Final Judgment between the Petitioner, MARION COUNTY, FLORIDA, and Respondents, **ACTDT BROWN, LLC**, GEORGE ALBRIGHT as MARION COUNTY TAX COLLECTOR; JIMMY COWAN, as MARION COUNTY PROPERTY APPRAISER, and the MARION COUNTY CLERK OF COURT (the “Parties”); it appearing to the Court that the Parties were

authorized to enter into such agreement; the court finding that the taking is necessary for a public purpose, and It appearing that proper notice was first given to Respondent, and to all persons having or claiming any equity, lien, title or other interest in or to **Parcel No. 42 AL**, “Subject Property,” as more fully described in the attached **Exhibit “A”**; and the Court finding that the compensation to be paid by the Petitioner is full, just, and reasonable for all Parties concerned; the Court being fully advised in the premises; and the Court finding that all parties have consented to the terms of this Stipulated Order of Taking and Final Judgment, it is therefore,

ORDERED AND ADJUDGED:

1. That the Court has jurisdiction of this action, of the Subject Property and of the parties in this cause pursuant to Chapters 73 and 74 of the Florida Statutes.

2. That **ACTDT BROWN LLC**, is the fee simple owner of the Subject Property and that the pleadings in this cause are sufficient as to the Subject Property and that Petitioner is properly exercising its delegated authority, and that the condemnation of the Subject Property is for a valid public purpose and necessary for that purpose. A legal description of Subject Property is attached hereto as Exhibit "A."

3. Pursuant to a Joint Motion for Entry of Stipulated Order of Taking and Final Judgment entered into by the Parties, Respondent ACTDT BROWN, LLC shall have and recover from Petitioner the sum of \$49,310.00 (\$47,000.00 for Respondent and \$2,310.00 for statutory attorney fees to Joseph M. Hanratty, Esq. less pro-rated taxes as provided herein, i.e., the “Settlement Funds” in full payment of any and all claims of any nature arising as a result of Petitioner’s taking of **Parcel No. 42 AL**, including, without limitation, compensation for land value, improvements, damages if any, attorney fees and costs, fees for non-monetary compensation (if any), and expert fees and costs broken out as follows:

(a) Forty-seven thousand sixty-four thousand and 00/100 dollars (\$47,000.00), less pro-rated taxes as provided below, to Respondent ACTDT BROWN, LLC, for land value, improvements, damages, and all other claims, excluding attorneys' fees and costs;

(b) Two thousand three hundred and ten dollars (\$2,310.00) as reimbursement for statutory attorney's fees for the benefit achieved, for the services of Joseph M. Hanratty, Esq.

NOTE: There are no expert witness fees and costs.

4. Upon entry and within twenty (20) days of this Stipulated Order of Taking and Final Judgment, the Petitioner shall deposit the total sum of Forty-Nine Thousand Three Hundred and Ten AND 00/100 DOLLARS (\$49,310.00) into the Registry of the Court.

5. By the Parties' agreement, that upon deposit of the above sum, within three (3) working days thereafter, without further Order of this Court, the Clerk of the Court shall issue the following sums to the following Parties:

a. The Clerk shall issue and mail the sum of FORTY-FOUR and 76/100 DOLLARS (\$44.76) to GEORGE ALBRIGHT, as MARION COUNTY TAX COLLECTOR, Division of Current Real Estate Tax, P.O. Box 970, Ocala, FL 34478-0970 for pro-rated property taxes; and

b. The Clerk shall issue and mail the sum of Forty-Nine Thousand Two Hundred Sixty Five and 24/100 dollars (\$49,265.24) made payable to the Law Office of Joseph M. Hanratty, PLLC Trust Account, c/o Joseph M. Hanratty, Esquire, to the address of 500 NE 8th Avenue, Ocala, FL 34470.

c. Upon receipt of the funds referenced in paragraph 5.b. above, Joseph M. Hanratty, PA shall be responsible for payment of disbursements to Respondent ACTDT BROWN, LLC.

6. That upon Petitioner's deposit of the sum herein above specified into the Registry of the Court, title and interest to the real property identified as Parcel No. 42 AL and described in

Exhibit “A” shall vest in Petitioner and the Petitioner shall have all rights of possession to Parcel No. 42 AL.

7. No additional sums are due and payable to: (a) Respondent ACTDT BROWN, LLC; and (b) Respondent’s attorney, as a result of the taking of Parcel No. 42 AL.

8. This Court reserves jurisdiction to enforce the terms of this Stipulated Order of Taking and Final Judgment.

DONE AND ORDERED in Chambers at Ocala, Marion County, Florida, this ____ day of February, 2025.

Honorable Lisa Herndon
CIRCUIT COURT JUDGE

Copies Furnished to:

Matthew G. Minter, Esq.
Attorney for Marion County, Florida

Joseph M. Hanratty, Esq.
Attorney for ACTDT BROWN, LLC

Vanessa Thomas, Esq.
Attorney for Marion County Tax Collector
and Marion County Property Appraiser

EXHIBIT "A"
Legal Description

PIN 8009-1185-02

Project Parcel No. 42 AL

Property Interest: Fee Simple – *Whole Take*.

Lot 2, Block 1185 of Marion Oaks Unit Nine, as Plat thereof recorded in Plat Book "O" pages 164 through 193 of the Public Records of Marion County, Florida.