

IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT  
IN AND FOR LEE COUNTY, FLORIDA

SOUTH FLORIDA WATER MANAGEMENT  
DISTRICT,

Petitioner

CASE NO.: 11-CA-002065

TRACT NOS.: 005-233

vs.

GARY KAMINSKI  
AND LEE COUNTY TAX COLLECTOR  
CATHY CURTIS,

Respondents.

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**STIPULATION FOR SETTLEMENT AT MEDIATION FOR**  
**TRACT NO. 005-233**  
**AND ATTACHED STIPULATED FINAL JUDGMENT**

The Petitioner, **SOUTH FLORIDA WATER MANAGEMENT DISTRICT**, (hereinafter "Petitioner" or "District"), by and through its undersigned attorney, and the Respondent, **GARY KAMINSKI** (hereinafter "Respondent"), by and through his undersigned attorney, hereby stipulate and agree as follows, contingent and subject to the approval of the Department of Environmental Protection of the State of Florida and the Governing Board of the District:

1. On or about October 5, 2011, an Order of Taking was entered in the above referenced case pertaining to Tract No. 005-233.
2. On or about October 7, 2011, the District filed its Notice of Deposit and in

**EXHIBIT "A"**

fact deposited on said date the sum of SEVENTY THOUSAND DOLLARS (\$70,000.00) for Tract No. 005-233, whereby fee simple title to Respondent's property vested in the District. Respondent has already withdrawn from the Court Registry said \$70,000.00 sum; less liens/taxes owed the Tax Collector.

3. The District and Respondent hereby stipulate and agree that a valuation hearing with respect to Respondent's Tract 005-233 is no longer necessary so long as this Stipulation for Settlement at Mediation is approved by the Department of Environmental Protection of the State of Florida and the Governing Board of the District, and if so, Respondent waives any and all rights to a valuation trial/hearing by way of the parties full, complete and final settlement of this matter as set forth herein below.

4. The District and Respondent agree to a total settlement amount of ONE HUNDRED EIGHT THOUSAND FIVE HUNDRED NO/100 DOLLARS (\$108,500.00) for all of the Respondent's real estate interests, land, structures, improvements, prejudgment or other interest claims, property of any kind, claims and damages of any kind involving Tract No. 005-233 and this case. Accordingly, the District shall pay the Respondent the additional sum of THIRTY EIGHT THOUSAND FIVE HUNDRED AND NO/100 DOLLARS (\$38,500.00) (after deducting the \$70,000.00 previously paid into the Court Registry after the entry of the Order of Taking from the agreed total settlement amount of \$108,500.00).

5. Respondent and undersigned Counsel agree that the District shall pay Respondent's attorneys' fees in the amount of TWENTY NINE THOUSAND TWO HUNDRED FIVE AND NO/100 DOLLARS (\$29,205.00) as full and final payment of any and all attorneys' fees, and TWENTY ONE THOUSAND EIGHT HUNDRED FIFTY AND

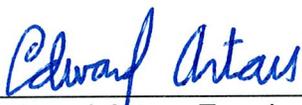
00/100 DOLLARS (\$21,850.00) as full and final payment of any and all of Respondent's experts' fees and costs in this matter.

6. The District shall deposit the balance due in the total sum of EIGHTY NINE THOUSAND FIVE HUNDRED FIFTY FIVE AND 00/100 DOLLARS (\$89,555.00) which is inclusive of all of Respondent's claims for real estate interests, land, improvements, structures, property of any kind, prejudgment or other interest claims, damages and claims of any kind involving Tract No. 005-233, as well as any of Respondent's claims for attorneys' fees, experts' fees and costs, or any other claims, pursuant to paragraph four(4) and five (5) above, with the Court Registry within twenty (20) days of the entry of the attached Stipulated Final Judgment as and for full and final payment as set forth above. The Respondent shall thereafter withdraw said funds.

7. The Respondent stipulates and represents that he has not assigned any rights concerning Tract No. 005-233, this case, and/or compensation for his property interest. The Respondent, and his undersigned counsel, waive any and all claims against the District as to Tract Nos. 005-233, (including the State of Florida, the U.S. Department of Interior, the U.S. Army Corps of Engineers, the Department of Environmental Protection of the State of Florida, and any of their and the District's employees, agents, contractors, representatives, attorneys, Governing Board Members, and their successor and assigns), including but not limited to claims for real estate interests, land, improvements, structures, property of any kind, prejudgment or other interest claims, claims and damages of any kind involving Tract No. 005-233, as well as any claims for attorneys' fees, experts' fees and costs, or any other claims and fully release the District and the above-referenced included entities and individuals from any

and all such claims and damages. The parties agree to submit the attached Stipulated Final Judgment for entry by the Court only if and upon approval of it by both the Department of Environmental Protection of the State of Florida and the District's Governing Board.

Agreed to, subject and contingent upon the approval of the Department of Environmental Protection of the State of Florida and the Governing Board of the District, on this 16<sup>th</sup> day of August, 2012.



Edward Artau, Esquire  
Florida Bar No.: 764353  
As Counsel for  
SOUTH FLORIDA WATER  
MANAGEMENT DISTRICT  
Office of Counsel  
3301 Gun Club Road, MSC 1410  
West Palm Beach, FL 33406  
(561) 682-6431 / Fax (561) 682-6276



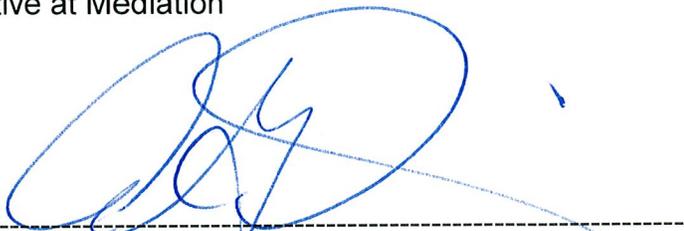
Jackson Bowman, Esquire  
Florida Bar No. 143715  
As Attorney for RESPONDENT  
Moore Bowman & Rix, P.A.  
300 W. Platt Street, Suite 100  
Tampa, Florida 33606  
(813) 318-9000/ Fax (877) 203-5748



Janet Starnes  
South Florida Water Management  
District Representative at Mediation



Gary Kaminski



Andrew S. Diaz, as Mediator

## STIPULATED FINAL JUDGMENT

This matter having come before the Court upon the foregoing Stipulation for Final Judgment entered between the Petitioner, SOUTH FLORIDA WATER MANAGEMENT DISTRICT, (hereinafter "Petitioner" or "District"), and the Respondent, GARY KAMINSKI (hereinafter "Respondent"), by and through their duly authorized attorneys, and this Court otherwise being fully advised of the premises therein, it is hereby:

1. CONSIDERED, ORDERED and ADJUDGED that the Stipulation for Final Judgment has been entered into freely and voluntarily by all necessary parties and is adopted and approved by this Court in its entirety and the parties shall comply with the terms herein.

2. The Respondent, shall recover from Petitioner the total sum of ONE HUNDRED EIGHT THOUSAND FIVE HUNDRED NO/100 DOLLARS (\$108,500.00), SEVENTY THOUSAND NO/100 DOLLARS (\$70,000.00) of which has already been paid from Petitioner to Respondent, less any liens/taxes owed the tax collector, by way of the Petitioner's previous deposit in the Court Registry in this case, for all of the Respondent's real estate interests, land, structures, improvements, prejudgment or other interest claims, property of any kind, claims and damages of any kind involving Tract No. 005-233 and this case. Accordingly, the District shall pay the Respondent the additional sum of THIRTY EIGHT THOUSAND FIVE HUNDRED AND NO/100 DOLLARS (\$38,500.00) (after deducting the \$70,000.00 previously paid into the Court Registry after the entry of the Order of Taking from the agreed total settlement amount of \$108,500.00), payable as set forth below, in full and final compensation for Tract No.: 005-233, as legally described in Exhibit "A" incorporated herein as if fully set forth, and

shall also recover, payable as set forth below, the amount of TWENTY NINE THOUSAND TWO HUNDRED FIVE AND NO/100 DOLLARS (\$29,205.00) as full and final payment of any and all attorneys' fees, and TWENTY ONE THOUSAND EIGHT HUNDRED FIFTY AND 00/100 DOLLARS (\$21,850.00) as full and final payment of any and all of Respondent's experts' fees and costs in this matter.

3. ORDERED that Petitioner, SOUTH FLORIDA WATER MANAGEMENT DISTRICT, as set forth above, shall pay to the Respondent, by depositing into the Registry of the Court, for payment to Respondent made payable in the name of the law firm representing Respondent in this case, Moore Bowman & Rix, P.A., c/o Jackson Bowman, 300 West Platt Street, Suite 100, Tampa, Florida 33606, for proper payment and disbursement, within twenty (20) days from entry of the Stipulated Final Judgment, the total sum of EIGHTY NINE THOUSAND FIVE HUNDRED FIFTY FIVE AND 00/100 DOLLARS (\$89,555.00), which is inclusive of the THIRTY EIGHT THOUSAND FIVE HUNDRED AND NO/100 DOLLARS (\$38,500.00) (after deducting the \$70,000.00 previously paid into the Court Registry after the entry of the Order of Taking from the agreed total settlement amount of \$108,500.00), for all of the Respondent's real estate interests, land, structures, improvements, prejudgment or other interest claims, property of any kind, claims and damages of any kind involving Tract No. 005-233, as well as the TWENTY NINE THOUSAND TWO HUNDRED FIVE AND NO/100 DOLLARS (\$29,205.00) as full and final payment of any and all attorneys' fees, and TWENTY ONE THOUSAND EIGHT HUNDRED FIFTY AND 00/100 DOLLARS (\$21,850.00) as full and final payment of any and all of Respondent's experts' fees and costs in this matter, without which let execution issue.

4. The Clerk of the Circuit Court/Registry is hereby directed to provide a check to the Respondent, payable to Moore Bowman & Rix, P.A., c/o Jackson Bowman, 300 West Platt Street, Suite 100, Tampa, Florida 33606, for the total sum ordered pursuant to paragraph 3 above, in the amount of EIGHTY NINE THOUSAND FIVE HUNDRED FIFTY FIVE AND 00/100 DOLLARS (\$89,555.00), less previously existing liens or taxes owed the tax collector, if any, without further motion or order of the Court.

5. It is further ORDERED and ADJUDGED that the District's fee simple title, including but not limited to all previous right, title and interest of the Respondent specified in the Petition in Eminent Domain of the property that is the subject matter of this action (Tract No. 005-233), described in the legal description of said property, attached and incorporated hereto as Exhibit "A", which vested in the Petitioner pursuant to the Order of Taking and deposit of money heretofore made, is approved, ratified and confirmed.

Done and Ordered in Chambers in Lee County, Fort Myers, Florida, this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
Circuit Court Judge

Copies furnished to:

Edward Artau, South Florida Water Management District, 3301 Gun Club Road – MSC 1410, West Palm Beach, FL 33406

Jackson Bowman, Moore Bowman & Rix, P.A., 300 West Platt Street, Suite 100, Tampa, Florida 33606

Cathy Curtis – Tax Collector, Lee County, 2480 Thompson Street, Fort Myers, FL 33901

Luis E. Rivera II, Henderson, Franklin et al, P.A., P.O. Box 280, Fort Myers, FL 33902

**Exhibit "A"**  
**Tract No. 09-005-233**

The East half of the Northwest quarter of the Northwest quarter of the Southwest quarter of Section 34, Township 47 South, Range 26 East, Lee County, Florida. (Being Tract #79 in Section 34 of Sun Coast Acres).

Less the North 30 feet thereof reserved for canal easement and the South 25 feet thereof reserved for county roadway right of way.

Containing 5.0 acres, more or less.

CREW\Gary A. Kaminski  
ORB 1975, Pg 372

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June 25, 1999  
Revised: September 9, 1999