

OFFICIAL RECORD

IN THE CIRCUIT COURT OF THE NINETEENTH
JUDICIAL CIRCUIT OF FLORIDA, IN AND
FOR INDIAN RIVER COUNTY. CIVIL ACTION

No. 73-449

CITY OF VERO BEACH, etc.,
Plaintiff,

vs.

JOSEPH J. SCHWEY, et ux,
et al,

Defendants.

FINAL JUDGMENT

THIS CAUSE came on for trial and the jury, having been empaneled
and sworn to try what compensation shall be made to the Defendants
for the property sought to be appropriated, and having heard the
evidence and charges of the Court, and having retired to consider
its verdict, returned the following verdict:

FILED FOR RECORD
BOOK AND PAGE ABOVE
RECORD VERIFIED
1974 FEB 18 PM 1:46
RALPH HARRIS
CLERK OF DISTRICT COURT
INDIAN RIVER CO. FLA.

CITY OF VERO BEACH, a
municipal corporation
of the State of Florida
Petitioner,

vs.

JOSEPH J. SCHWEY and
POLLY E. SCHWEY, his wife,
et al,
Defendants.

IN THE CIRCUIT COURT OF THE 19TH
JUDICIAL CIRCUIT OF FLORIDA, IN
AND FOR INDIAN RIVER COUNTY
CIVIL ACTION NO. 73-449

VERDICT

WE, THE JURY, FIND FOR THE PLAINTIFF AS FOLLOWS:
FIRST: That an accurate description of the property taken herein
is the following:

DESCRIPTION 1

Part of Government Lot 4, Section 6, Township 33 South, Range
40 East, described as follows:

From the Northwest corner of Government Lot 4, Section 6, Town-
ship 33 South, Range 40 East, run South 89°49'15" East along the
North line of Government Lot 4 a distance of 1610.72' to the
Point of Beginning;

Thence, South 0°1'30" West a distance of 35.00' to a point;

Thence, South 89°49'15" East a distance of 38.00';

Thence, South 1°01'30" West a distance of 5.13';

Thence, South 8°18'25" East a distance of 124.23';

Thence, South 0°51'35" West a distance of 280.59';

Thence, South 89°49'15" East a distance of 79.57', more or less,

(1.00' Northerly of and parallel to a fence);

Thence, South 0°51'35" West a distance of 5.54';

Thence, South 89°49'15" East a distance of 154.55', more or less,

to the Indian River;

Thence, meandering the Indian River in a Northwesterly direction

to the intersection of the North line of Government Lot 4,

450', more or less;

Thence, North 89°49'15" West a distance of 255.26', more or less,

to the Point of Beginning.

THERE IS RESERVED to the City of Vero Beach a 15' easement over
the West 79.57' of the South 15.00'.

TOGETHER WITH all buildings erected thereon and all buildings
and piers extending into the Indian River and all equipment,
fixtures, furniture, machinery, in and on the above described
premises, and further together with all riparian rights in
adjoining waters.

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DESCRIPTION II

From the Northwest corner of Government Lot 4, Section 6, Township 33 South, Range 40 East, run South $89^{\circ}49'15''$ East a distance of 1,865.98' to a point, said point being the Point of Beginning;

Thence, continue along the North line of Government Lot 4, run South $89^{\circ}49'15''$ East, a distance of 211.42' to a point which is 25' beyond the existing dock;

Thence, South $00^{\circ}10'45''$ West, a distance of 126.25' to a point which is 25' South of the existing dock;

Thence, North $89^{\circ}49'15''$ West, a distance of 211.42';

Thence, North $00^{\circ}10'45''$ East, a distance of 126.25' to the Point of Beginning.

Further, said party does also give and grant unto the said second parties an easement for the purpose of erecting docks and retaining walls along and upon the following described property, to-wit:

From the Northwest corner of Government Lot 4, Section 6, Township 33 South, Range 40 East, run South $89^{\circ}49'15''$ East, a distance of 1,865.98' along the North line of Government Lot 4, to the Point of Beginning;

Thence, continuing along the North line of Government Lot 4, a distance of 186.42' to a point, said point being to the outer edge of the present dock;

Thence, South $00^{\circ}10'45''$ West, a distance of 449.18';

Thence, North $89^{\circ}49'15''$ West, a distance of 147.71' to the retaining wall and the end of said line, said point being to the Southeast corner of the Schwoy property;

Thence, meandering the Indian River Northwesterly to the Point of Beginning.

Provided, however, that said docks and retaining walls which may be located upon said property shall not exceed in length the easternmost point of the dock existing on the land hereinabove first described and conveyed by this instrument. Said docks and retaining walls shall not be constructed and located in any manner so as to impede the entrance into or the right of ingress and egress to the full use and enjoyment of the canal extending into the property of the first party herein, known as the Electric Power Plant Property and lying adjacent to lands owned by the parties of the second part.

TO HAVE AND TO HOLD the same together with all and singular the appurtenances thereunto belonging or in anywise appertaining and all the estate, right, title, interest, lien, equity and claim whatever of the said first party, either in law or equity, to the only proper use, benefit and behoof of the said second parties forever.

COPY

SECOND: That the compensation to be made by the Petitioner for the above described parcel is as follows:

For the parcel above described, owned by Joseph J. Schwey and Polly E. Schwey, his wife, we find compensation to be made therefore is the sum of:

VALUE OF THE LAND TAKEN \$260,000.00

SO SAY WE ALL, this 9th day of January, A. D. 1974, at Vero Beach, Indian River County, Florida.

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/s/ John C. Huebner
Foreman

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IT IS THEREUPON CONSIDERED, ORDERED AND ADJUDGED that the verdict with regard to the property described above, which vested in the Plaintiff pursuant to the Order of Taking and deposit of money heretofore made, is approved, ratified, and confirmed and it is further

ORDERED AND ADJUDGED that the Defendants recover Two Hundred Sixty Thousand Dollars (\$260,000.00) pursuant to the aforesaid verdict, together with Three Thousand Five Hundred Dollars (\$3,500.00) pursuant to the Stipulation of counsel filed herein, for a total of Two Hundred Sixty Three Thousand Five Hundred Dollars (\$263,500.00), and Plaintiff is directed to deposit funds in the registry of the Court in this amount (less funds previously deposited). These funds shall be disbursed to the Defendants upon further order of Court,

2/18/74
Judge

after a hearing on apportionment, upon notice to all interested parties.

DONE AND ORDERED at Vero Beach, Indian River County, Florida, this 18 day of February, A. D. 1974.

D. Smith
Circuit Court Judge

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