

**IN THE CIRCUIT COURT OF THE
NINTH JUDICIAL CIRCUIT IN AND
FOR ORANGE COUNTY, FLORIDA**

CASE NO.

**CITY OF ORLANDO, a municipal
corporation organized under
the laws of the State of Florida,**

Division:

Parcel: 101

Petitioner,

v.

**Faith Deliverance Temple, Inc.
Orange County Tax Collector**

Respondents
_____ /

PETITION IN EMINENT DOMAIN

COMES NOW, Petitioner, **City of Orlando**, a municipal corporation duly incorporated under the laws of the State of Florida, and sues each of the Defendants named herein, and alleges as follows:

1. This is an action in eminent domain over which this Court has jurisdiction in accordance with Article V of the Florida Constitution and Sections 73.021 and 26.012, Florida Statutes.

2. Petitioner, City of Orlando, is a municipal corporation duly incorporated under the laws of the State of Florida, with the right to exercise the power of eminent domain under the authority of Chapters 166, 73, and 74, Florida Statutes, and its governing body is the City Council.

3. A Description identifying the parcel of property sought to be acquired is attached hereto and made a part hereof as **Exhibit No. 1**.

4. The estate or interest sought to be acquired by the Petitioner in these proceedings is described as follows:

Fee simple interest in Parcel No. 101 together with all the appurtenances, easements, and restrictions of record.

5. Petitioner shall utilize the property sought to be acquired by this Action in order to construct, own, operate and maintain a Stadium on property located north of Church Street, south of Central Blvd., east of Parramore Avenue, and west of Terry Avenue, hereinafter referred to as "Project." The Parcel will more particularly be utilized as follows:

Parcel No. 101 will be utilized for construction, operation and maintenance of the Project and all attendant purposes, including the construction, operation and maintenance of all parking, drainage, utility, landscaping and sidewalk improvements.

6. The Project will be owned and operated by the Petitioner and is necessary in order to provide to the citizens of Orlando and the general public, a unique mid-sized forum for sports, recreational, educational, and entertainment activities.

7. The Project constitutes a public purpose that will benefit the citizens of the City of Orlando and the general public by providing such a forum and by providing employment and increasing tourism within the City of Orlando, as well as improving the aesthetics and economic opportunities in the area.

8. The purpose of this Petition in Eminent Domain is to acquire property necessary to construct the Project.

9. The parcel described herein is necessary for the public purpose of owning, constructing, maintaining and operating the Project and more specifically for the public purposes described in Paragraphs 5, 6 and 7 herein.

10. The interest or estate sought to be acquired by the City through its Petition in Eminent Domain is necessary for the public purpose of owning, constructing, maintaining and operating the Project, as described in Paragraphs 5, 6 and 7 herein.

11. The ages of all the natural Defendants named in these proceedings are unknown to Petitioner.

12. The Petitioner has made a diligent search and inquiry to discover the names places of residence, legal disabilities, if any, and the interest in the property of all owners, lessees, executors, administrators, trustees, mortgagees, judgment creditors, lien holders, persons in

possession, and all persons having or claiming to have an interest in the property sought to be acquired, and the same is set forth as particularly as is known to the Petitioner in **Exhibit No. 2**, attached hereto and made a part hereof.

13. Petitioner has surveyed and located its line or area of construction and intends, in good faith, to construct this Project on, over or under the property described in Petitioner's **Exhibit No. 1**.

14. Petitioner has heretofore passed an appropriate Resolution, a certified copy of which is attached hereto and incorporated as **Exhibit No. 3**, determining the necessity of the Project as well as the necessity of acquiring the property described in **Exhibit No. 1**.

15. No mobile homes are located on the property sought to be acquired.

16. Negotiations to acquire the necessary real property and other necessary appurtenances have been initiated and will continue, but because of the construction schedule and the possibility that negotiations may fail and/or break down, it is therefore necessary and for a public purpose to exercise the power of eminent domain.

17. All conditions precedent to the filing of this Petition in Eminent Domain have been satisfied.

18. Notification required by Section 73.0511, Florida Statutes, has been given.

19. Petitioner is authorized to take possession and title in advance of the entry of final judgment in eminent domain and its Declaration of Taking has been filed herewith.

WHEREFORE, the premises considered, Petitioner prays:

(a) That this Court will take jurisdiction of this cause, the parties hereto and the subject matter hereof;


(b) That the Defendants' property described in **Exhibit No. 1**, attached hereto be condemned and taken for the uses and purposes set forth in this Petition, and that the interests sought by the Petition in the property identified herein vest in the petitioner in accordance with the provisions of Florida law;

(c) That in due course a jury may be impaneled to assess what compensation shall be made to said Defendant for said property sought to be appropriated, and

that a guardian ad litem may be appointed for all defendants who are infants or under other legal disabilities, or whose names or addresses are unknown;

(d) That the jury be required to view the property hereby condemned;

DATED this 15 day of MAY, 2014.


Roy K. Payne, Esq.
Chief Assistant City Attorney
Florida Bar No. 773311
City of Orlando
400 S. Orange Avenue
Orlando, Florida 32801
(407) 246-2295
Attorney for Petitioner

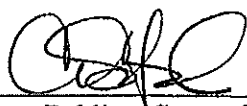
STATE OF FLORIDA
COUNTY OF ORANGE

BEFORE ME, the undersigned Notary Public, appeared ROY K. PAYNE, Chief Assistant City Attorney, personally known to me who, being first duly sworn, deposes and says that he is the attorney for the Petitioner, CITY OF ORLANDO, that he has read the foregoing Petition, and that to the best of his knowledge, information and belief, the matters alleged therein are true and correct; and that diligent search and inquiry have been made by the petitioner, through its authorized agents, to ascertain the names of the occupants, and the names, places of residence; legal disabilities, if any, and the interest of the owners and lienors of an on the land more particularly described in said Petition.

SWORN to and subscribed before me this 15th day of MAY, 2014.



CYNTHIA E. SANFORD
NOTARY PUBLIC
STATE OF FLORIDA
Comm# EE126669
Expires 9/22/2015

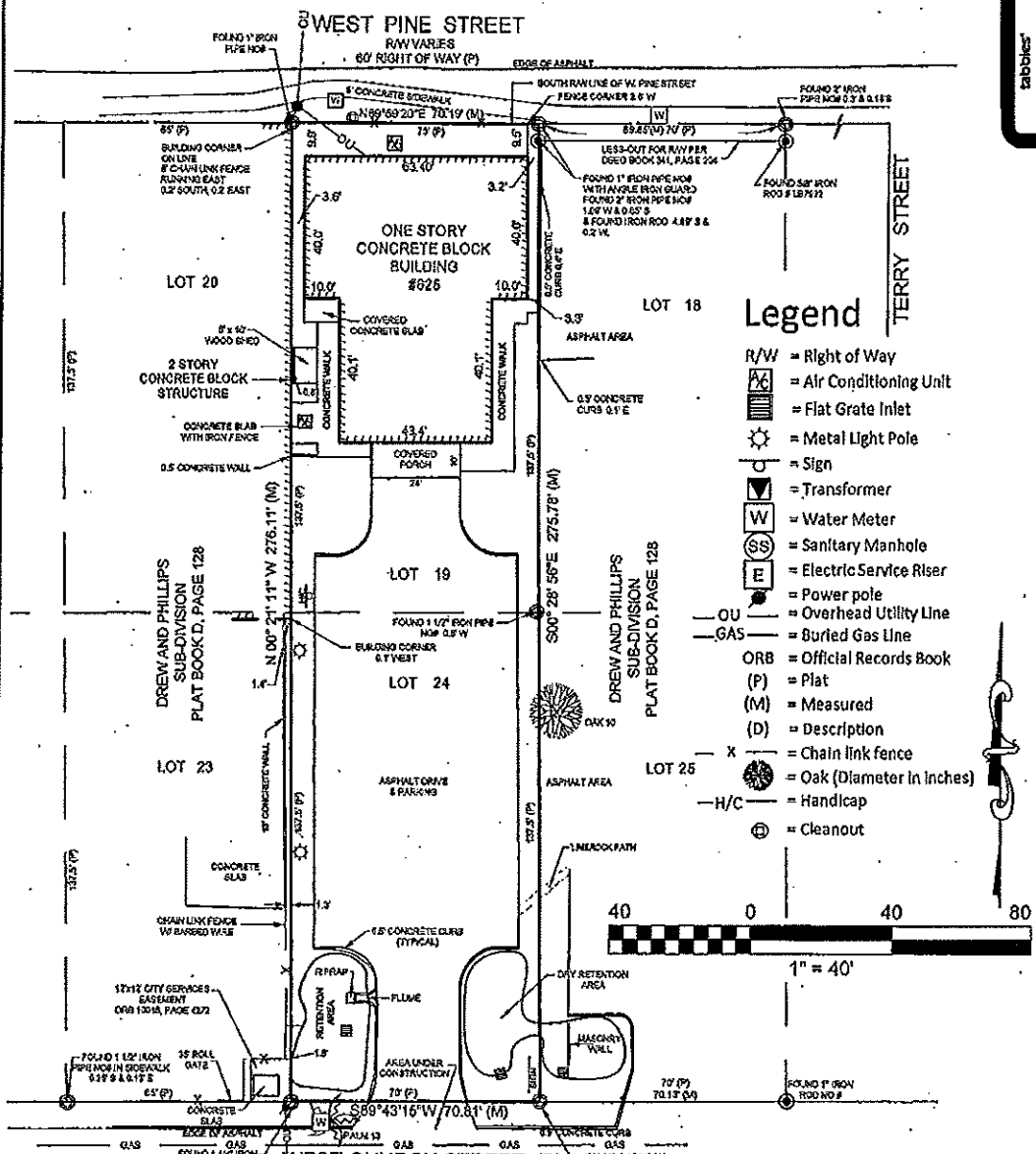

Notary Public - State of Florida
Print Name: Cynthia E. Sanford
My Commission expires: 9.22.15

BOUNDARY SURVEY

LOTS 19 & 24, DREW AND PHILLIPS SUB-DIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK D, PAGE 128 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA

EXHIBIT

1



Surveyor Notes:

- Bearings shown hereon are based on Florida State Plane Coordinate System, East Zone (0901), US Survey Foot, North American Datum of 1983/2007 adjustment, based on the South Right of Way line of West Pine Street depicted hereon as being S89°55'34" W. All distances shown are in US Survey Feet.
- Underground foundations and utilities were not located except as shown hereon. No attempt was made to map stormwater flow in retention areas.
- Based on a Title Search prepared by Attorneys Title Fund Services, LLC, File Number 07-2012-005299A1, with an effective date of 11/25/13, the subject property is subject to (1) an Agreement per Official Records Book 4308, page 2745 (Not plottable)(2) City of Downtown Development of regional Impact Development Order per Official Records Book 4308, page 4751 and last amended in Official Records Book 10631, page 8934. There may be other easements or documents affecting this property that a search of the public records will reveal.
- According to Federal Emergency Management Agency Flood Insurance Rate Map Community Panel 12095C0245F, having an effective date of September 25, 2009, the subject property lies in Zone X (areas determined to be outside the 0.2% annual chance flood).
- Additions or deletions to this survey map prohibited without written consent of the signing party.

I hereby certify that this survey has been prepared under my direction and that this survey has been prepared in accordance with the adopted Minimum Technical Standards as required by Chapter 51-17 Florida Administrative Code pursuant to Section 472.02 Florida State Statutes.

Joseph M. Stokes, Jr.
Professional Surveyor, and Mapper No. 5507

This survey is not valid without the signature and the original raised seal of a Florida Licensed Surveyor and Mapper.

	CITY OF ORLANDO	Project Number: 13-329	Drafted By: MER	Sheet:
	Survey Services Section 400 South Orange Avenue, 8th Floor Orlando, Florida 32802 p. 407.246.3319 f. 407.246.2892	Requested By:	Checked By: RDA	1
	Date of Survey: 12/09/2013	Date Drawn: 12/11/2013	of	1
	Approved By: JMS	Scale: 1" = 40'		

EXHIBIT "2"

PARCEL 101

Owner:

**Faith Deliverance Temple, Inc.
625 W Church Street
Orlando, FL 32805**

Owner's Attorney:

S. Keith Turner, Esq.
Law office of Shannon Keith Turner, PA
1221 W. Colonial Drive, Suite 200
Orlando, FL 32804

Registered Agent:

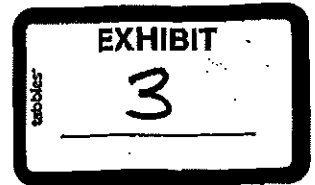
Catherine Williams, RA
Faith Deliverance Temple, Inc.
5315 Coyote Trail
Orlando, FL 32808

Lien Holder / Interested Parties:

Scott Randolph
Orange County FL Tax Collector
200 S. Orange Ave., Ste. #1600
Orlando, FL 32801



CITY OF ORLANDO



CERTIFICATION

STATE OF FLORIDA)

COUNTY OF ORANGE)

I, Alana C. Brenner, City Clerk, hereby certify that the attached is a true and correct copy of City Council Agenda Item B-09, documentary #140127B09. Approved by City Council January 27, 2014.

Given under my hand and the corporate seal of the City of Orlando, Florida, affixed this 25th day of April, 2014.

Alana C. Brenner
City Clerk

OFFICE OF CITY CLERK

CITY HALL ■ 400 SOUTH ORANGE AVENUE ■ 2ND FLOOR ■ P.O. BOX 4990 ■ ORLANDO, FLORIDA 32801-4990
PHONE 246-2251 • FAX 246-3613 • <http://www.ci.orlando.fl.us>

RESOLUTION NO. 140127309

RESOLUTION BY THE CITY COUNCIL OF THE CITY OF ORLANDO, FLORIDA, DETERMINING THE NECESSITY OF ACQUIRING CERTAIN REAL PROPERTY LOCATED NORTH OF CHURCH STREET, SOUTH OF CENTRAL BOULEVARD, EAST OF PARRAMORE AVENUE, AND WEST OF TERRY AVENUE FOR THE PURPOSE OF CONSTRUCTING, OWNING AND OPERATING A PUBLIC STADIUM TO PROVIDE A FORUM FOR SPORTS, EDUCATIONAL, RECREATIONAL AND ENTERTAINMENT ACTIVITIES AND DIRECTING CONDEMNATION OF THE NECESSARY PROPERTY.

WHEREAS, the City Council for the City of Orlando, Florida, is advised that it is necessary and in the public interest to construct, own and operate a Stadium on property located north of Church Street, south of Central Boulevard, east of Parramore Avenue, and west of Terry Avenue, hereinafter referred to as "Project."

WHEREAS, the Project is hereby declared to be a public purpose; and

WHEREAS, there is a great public need for the construction and operation of the Project in order to provide to the citizens of the City of Orlando and the general public, a unique forum for sports, recreational, educational and entertainment activities, in further support of the community's welfare; and

WHEREAS, the Project will also promote gainful employment, and tourism within the City of Orlando and will enhance the aesthetic environment of the area; and

WHEREAS, the City of Orlando has located its line of construction and does intend, in good faith, to construct and operate the Project on and over the hereinafter described real property; and

WHEREAS, it is necessary and in the public interest to acquire fee-simple title to certain hereinafter described real property for construction and operation of the Project; and

WHEREAS, negotiations to acquire the necessary real property, and other necessary appurtenances have begun and will continue after this Resolution is adopted; however, due to the possibility that these negotiations may fail and/or break down, it is therefore necessary and for a public purpose to exercise the power of eminent domain; and

WHEREAS, the City has determined a good faith estimate of value based on a valid appraisal for each parcel described herein.

City Council Meeting: 1-27-14
Item: B-9 Documentary 140127309

NOW, THEREFORE, BE IT RESOLVED by the City Council for the City of Orlando, Florida, in regular session duly assembled, that said Council hereby finds it necessary and for a public purpose to construct, own and operate the Project.

BE IT FURTHER RESOLVED that construction and operation of the Project is necessary and for a public purpose by providing a unique forum to the general public for sports, entertainment, education and recreational activities.

BE IT FURTHER RESOLVED that the Council finds it necessary and for a public purpose to acquire fee-simple title to the real property described in Exhibit "A," attached hereto and incorporated herein by reference, hereinafter referred to as Parcel No. 103, in order to provide fee simple title to said property for construction and operation of the Project.

BE IT FURTHER RESOLVED that Parcel No. 103 is necessary, and will be utilized, for construction and operation of the Project, which includes a stadium for use by the general public as well as attendant utilities, sidewalks, drainage, parking, ingress/egress, and/or landscaping.

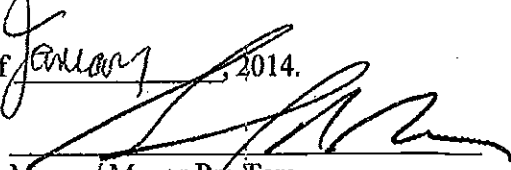
BE IT FURTHER RESOLVED that the City Attorney be, and is hereby authorized to acquire fee-simple title to the real property described as Parcel No. 103 together with all the appurtenances, easements, and restrictions of record and to file an action in the Circuit Court in the name of the City of Orlando, exercising said City's right of eminent domain, and to file any and all pleadings and papers in pursuance thereof, including a Declaration of Taking.

BE IT FURTHER RESOLVED, that it is deemed necessary to take the title to said land described in Exhibit "A" prior to the entry of Final Judgment in the Eminent Domain proceeding herein authorized, pursuant to Chapter 74, Florida Statutes.

DONE AND RESOLVED this 28 day of January, 2014.


ATTEST:


Alana C. Brenner, City Clerk


Mayor / Mayor Pro Tem

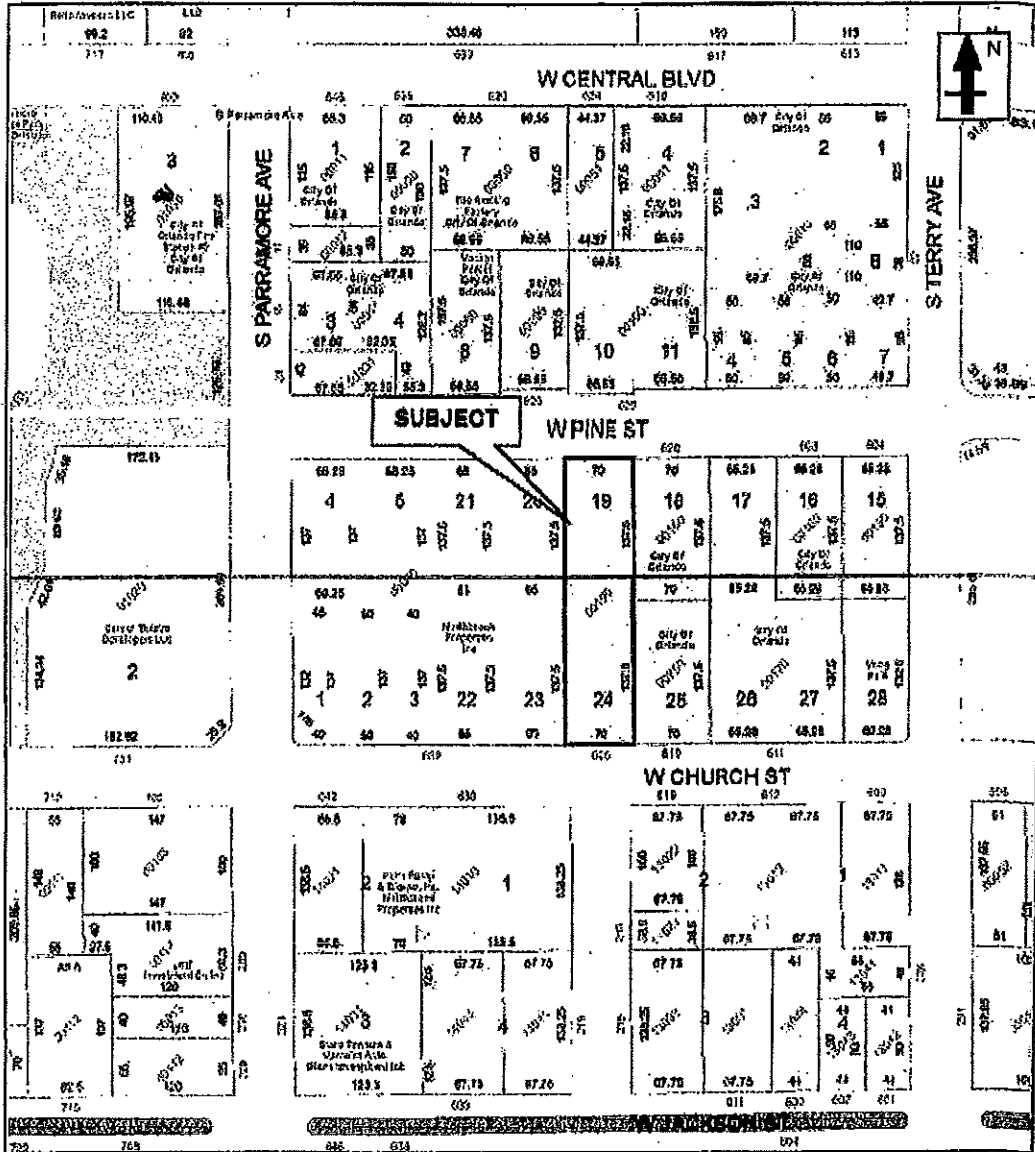
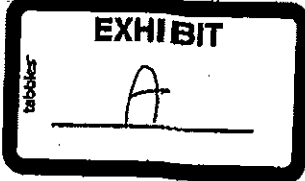
Samuel B. Ings

APPROVED AS TO FORM AND LEGALITY
for the use and reliance of the City of Orlando,
Florida, only:

1/28, 2014.

Chief Assistant City Attorney
Orlando, Florida

ADDRESS: 625 WEST CHURCH STREET, ORLANDO, FLORIDA
COUNTY: ORANGE

TAX MAP



Approximate Representation
Source: Orange County Property Appraiser