

IN THE CIRCUIT COURT OF THE  
20TH JUDICIAL CIRCUIT IN AND FOR  
COLLIER COUNTY, FLORIDA

CITY OF NAPLES, FLORIDA, a Municipal  
Florida Corporation,

CASE NO.: 2018-CA-001255

Plaintiff,

v.

OUTLOT F PARKSHORE, LLC, a Florida  
Limited Liability Company; VILLAGE ON  
THE BAY, LLC, a Florida Limited Liability  
Company; VENETIAN BAY YACHT CLUB  
CONDOMINIUM ASSOCIATION, INC., a  
Florida Corporation; and VENETIAN BAY  
NORTH YACHT CLUB CONDOMINIUM  
ASSOCIATION, INC., a Florida Corporation,

Defendants.

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**AGREED FINAL JUDGMENT UPON  
JOINT STIPULATION BY ALL PARTIES**

THIS CAUSE having come before the Court on the May 19, 2021 Joint Stipulation by all  
Parties for Entry of Final Judgment Based on Arbitrator's Ruling and Settlement Agreement, and  
the Court having reviewed the Stipulation and being otherwise duly advised in the premises, it is  
hereby:

**ORDERED AND ADJUDGED** as follows:

1. The Court affirmatively finds that the Plaintiff, City of Naples, owns the seawalls  
("Seawalls") described herein and in the attached Exhibit "A" and bears the obligation to maintain  
them.

2. The Court also finds that all interested parties regarding the Seawalls are properly before this Court and the Court has jurisdiction over all such parties and the subject matter of this Final Judgment.

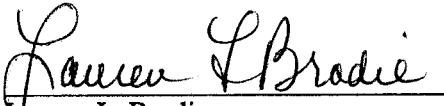
3. The Court further finds that the entire Seawall structure is a fixture and an appurtenance to the Gulf Shore Boulevard North right-of-way, which was dedicated in the recorded plats to Collier County (and later annexed into the City of Naples). The Seawalls comprise the entire structure—seawall cap, vertical panels, tiebacks, and deadmen—a substantial portion of which extends approximately 18 feet beneath the Plaintiff /City of Naples-owned right-of-way of Gulf Shore Boulevard North. The Seawalls do not provide support to the docks located on privately owned properties adjacent to the right-of-way.

4. The Court finds that the Seawalls are a structure which includes the cap, which is about 2 feet in width, the panels, the tiebacks, filter fabric, the deadmen, the drainage pipes and the outfalls, as depicted on Exhibit "A", Schedule 1 (collectively the "Seawalls"), which are generally located in the platted right-of-way for Gulf Shore Boulevard North and abut the following properties which shall be referred to herein as the "Seawall Area": Outlots A through F, including Parcel C as located in the highlighted areas of the Plat of Park Shore Unit 2 (recorded in Plat Book 8, pages 54 and 55, of the Public Records of Collier County, Florida) and the Plat of Park Shore Unit 5 (recorded in Plat Book 12, Pages 39 and 40, of the Public Records of Collier County, Florida) depicted on Exhibit "A", Schedule 2. The Seawalls also include repaired/replaced/rebuilt seawalls in the Seawall Area. The term Seawalls also includes the perpetual easement and right to utilize for repair, replacement and maintenance purposes and enter into the vicinity of the Seawall Area to repair/replace/rebuild the Seawalls with structures of a design and configuration as deemed appropriate by the City of Naples to protect the adjacent right

of way and adjacent private properties. For any work performed by the City which requires removal or alteration of an existing dock in order to perform such work, the City will bear the cost of returning the dock to the same or better condition. Any costs incurred to repair/replace/rebuild the Seawalls shall be paid by the City and the City shall not seek payment from the Defendants for any costs related to the Seawalls, outside of the typical imposition of ad valorem taxes imposed on all landowners within the City's jurisdiction.

5. The Court further finds that the Plaintiff, City of Naples has maintained and repaired the Gulf Shore Boulevard North right-of-way, including the street, sidewalks, and part of the Seawall, for over seven years. The Seawall is appurtenant to and supports the City's right-of-way and cannot be separated from it. Therefore, pursuant to Fla. Stat. § 95.361(2), the dedication of Gulf Shore Boulevard North also vests title to the Seawalls to the Plaintiff, City of Naples.

6. The Court confirms that the Seawalls have been publicly dedicated as part of Gulf Shore Boulevard North. Therefore, the Defendants and their successors and assigns retain the right of ingress and egress over the Seawalls to their respective properties.

DONE AND ORDERED, in Naples, Collier County, Florida on this 21 day of  
May, 2021.  
  
\_\_\_\_\_  
Lauren L. Brodie  
CIRCUIT COURT JUDGE

cc: All Counsel of Record

## Exhibit A

The Seawalls are a structure which includes the cap, which is about 2 feet in width, the panels, the tiebacks, filter fabric, the deadmen, the drainage pipes and the outfalls, as depicted on Schedule 1 (collectively the "Seawalls"), which are generally located in the platted right-of-way for Gulf Shore Boulevard North and abut the following properties which shall be referred to herein as the "Seawall Area": Outlots A through F, including Parcel C as located in the highlighted areas of the Plat of Park Shore Unit 2 (recorded in Plat Book 8, pages 54 and 55, of the Public Records of Collier County, Florida) and the Plat of Park Shore Unit 5 (recorded in Plat Book 12, Pages 39 and 40, of the Public Records of Collier County, Florida) depicted on Schedule 2. The Seawalls also include repaired/replaced/rebuilt seawalls in the Seawall Area. The term Seawalls also includes the perpetual easement and right to utilize for repair, replacement and maintenance purposes and enter into the vicinity of the Seawall Area to repair/replace/rebuild the Seawalls with structures of a design and configuration as deemed appropriate by the City of Naples to protect the adjacent right of way and adjacent private properties. For any work performed by the City which requires removal or alteration of an existing dock in order to perform such work, the City will bear the cost of returning the dock to the same or better condition. Any costs incurred to repair/replace/rebuild the Seawalls shall be paid by the City and the City shall not seek payment from the Defendants for any costs related to the Seawalls, outside of the typical imposition of ad valorem taxes imposed on all landowners within the City's jurisdiction.

## **SCHEDULE 1**

FINISHED FILL  
ELEVATION

**FINISHED FILL  
ELEVATION**

**FUTURE SIDEWALK, CURB, & PAVING  
(BY OTHERS)**

**FILTER-X MATERIAL**  
FROM CAP TO  
**EL - 4.0 x 1/2" WIDE**  
**AT ALL JOINTS SECURE**  
**W/ 1" x 2" NAIL STRIP EACH**  
**SIDE OF JOINT**

+ 2.1 M.H.W.

O. O. M. L. W.

**PROPOSED BOTTOM**  
**-2.0 TO -3.0**

四〇

**10 TIE BACKS - DOUBLE HOT-DIPPED, TARRED & WRAPPED W/ COAL TAR & 30# ROOFING FELT.**

10' SQ x 6'-0"  
PRESTRESSED CONC. PILE

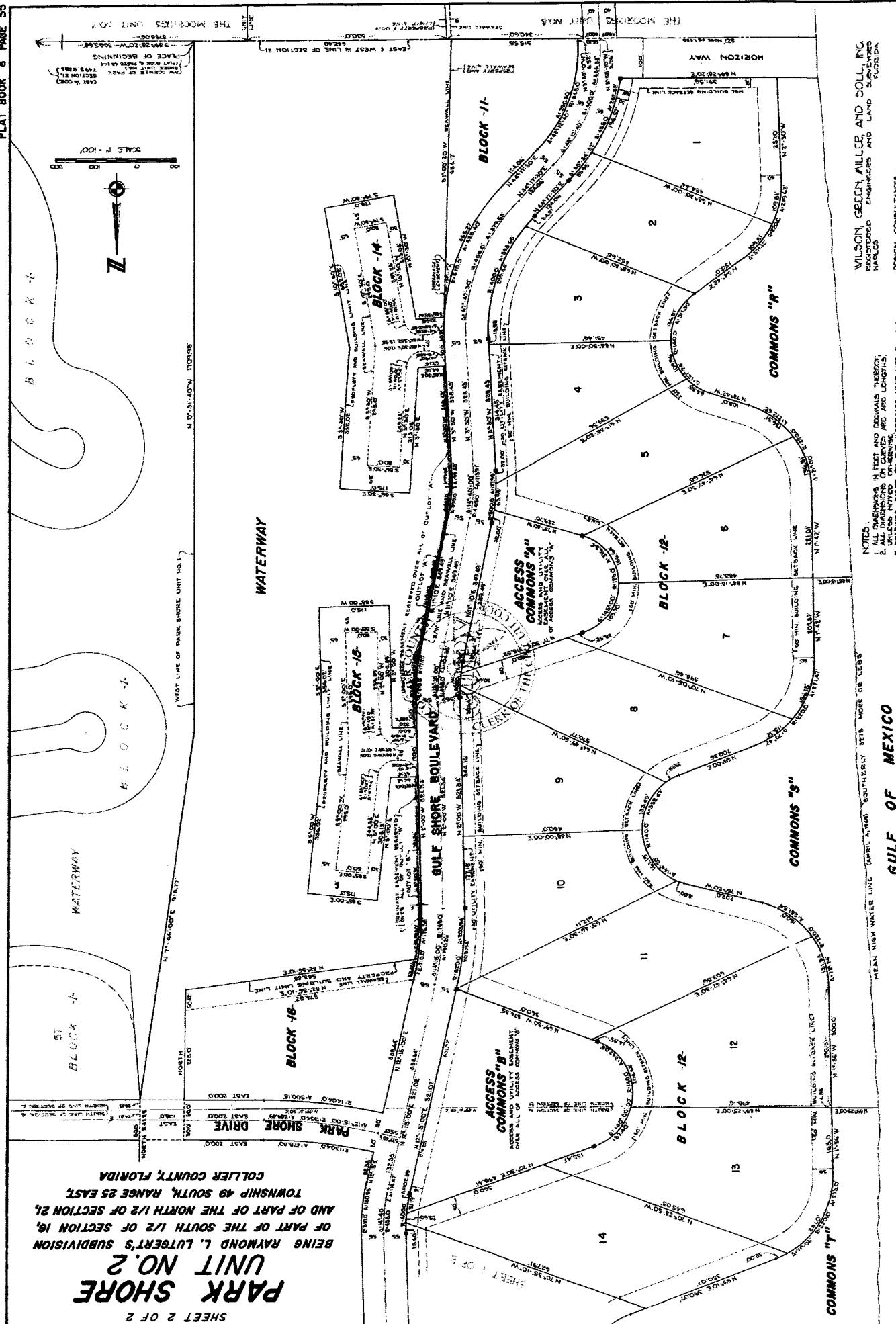
## WALL & ANCHOR BLOCK SECTION

MINIMUM PILE PENETRATION = 40% -

## **SCHEDULE 2**

**PARK SHORE UNIT NO. 2**  
BEING RAYMOND L. LUTGERT'S SUBDIVISION  
OF PART OF THE SOUTH 1/2 OF SECTION 16,  
TOWNSHIP 49 SOUTH, RANGE 25 EAST,  
COLLIER COUNTY, FLORIDA

SHEET 2 OF 2



**PARK SHORE  
UNIT NO. 5**

**BEING A SUBDIVISION  
OF PART OF SECTION 16  
TOWNSHIP 49 SOUTH, RANGE 25 EAST  
COLlier COUNTY, FLORIDA**

1

AUGUSTA 1857 OCTOBER 1857

INHIBITED MY MAND, AND OFFICIAL SEAL IN THE COUNTRY AND SHIPPE  
APPROVED THIS 1<sup>ST</sup> DAY OF JUNE A.D. 1870.

I HEREBY CERTIFY THAT THIS DAY BEFORE ME, AN OFFICER OR PUBLIC  
NOTARY AUTHORIZED IN THE STATE OF MARYLAND, TO TAKE OATH, DEPOSE,  
AND SWORN PERSONALLY AND SIGHTING L L CLEMENT AND SGT. J. LUTHER  
HARRIS, OF THE BIRMINGHAM POLICE DEPARTMENT, ALABAMA, WHO  
WERE PRESENT AND SWORN AS WITNESSES, AND WHO SWORE BEFORE ME  
THAT THEY EXECUTED THE SAME

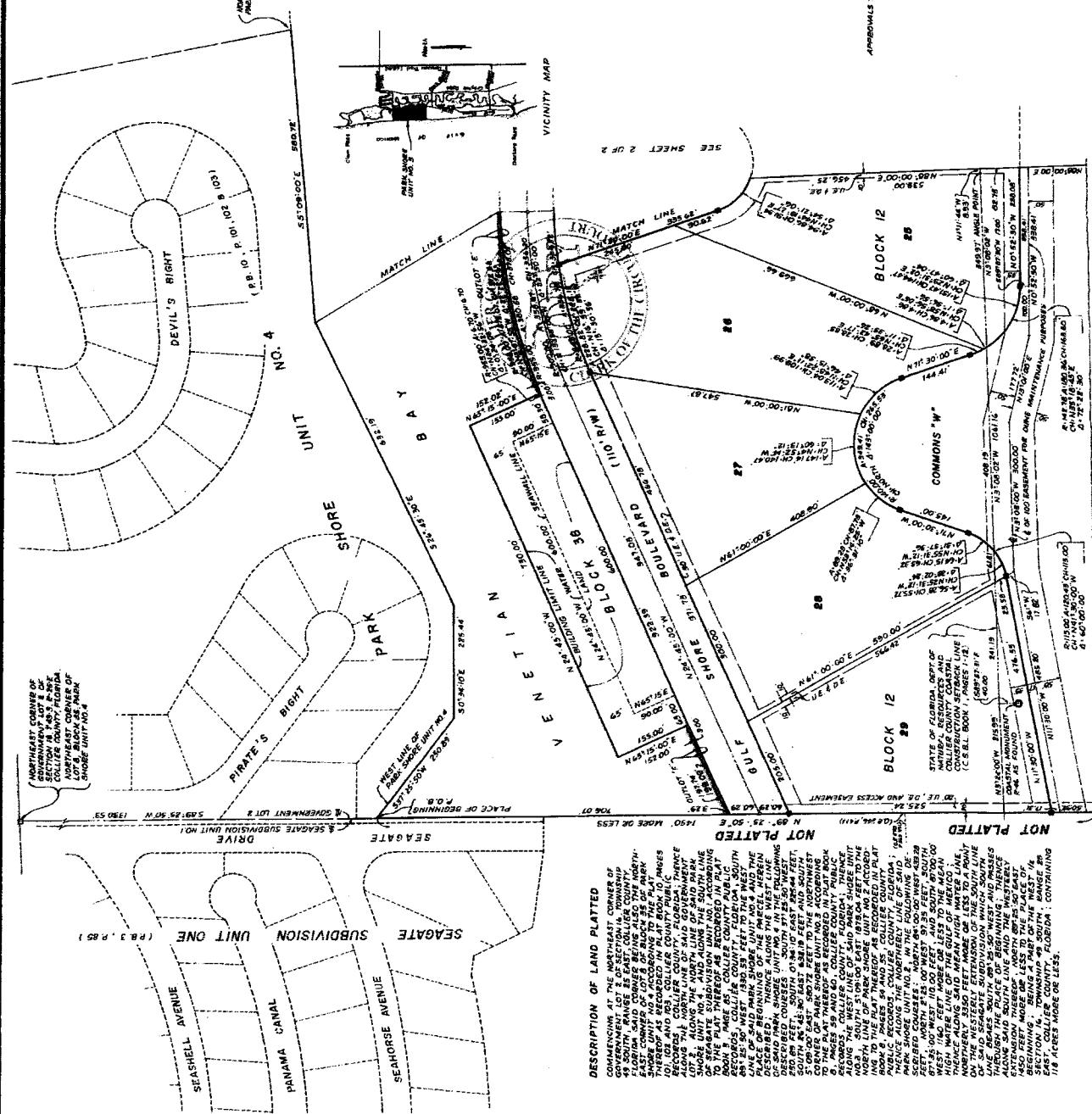
APR 10 1955  
IN THE STATE OF SOUTH DAKOTA  
NOTICE TO CREDITORS  
I, BERNIE NICHOLS, A LEGALLY LICENSED ATTORNEY IN THE STATE OF SOUTH DAKOTA,  
DO HEREBY CERTIFY THAT THE TITLE TO THE PROPERTY DESCRIBED PROPERTY  
AS FOLLOWS IS BEING HELD IN TRUST FOR THE BENEFIT OF THE ESTATE OF  
JOHN L. NICHOLS, DECEASED, AND THAT THE CREDITOR'S  
RIGHTS ARE PROTECTED BY THE PROVISIONS OF THE SOUTH DAKOTA  
PROBATE CODE.

IT IS HEREBY CERTIFIED THAT THIS PLAN IS TRUE AND CORRECT AND WAS  
PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY BY ME AND UNDER  
  
E. CLARENCE NICHOLS, ATTORNEY-AT-LAW  
LICENSSED IN FLORIDA

APPROVED IN THE CURRENT EDITION OF CHAPTER 177 OF THE FLORIDA STATUTES  
WILSON, MILLER, GATTON & CO., MEMPHIS,  
BY CAR. H. WELLS - FLORIDA STATE INSURANCE  
DATE: AUGUST 11, 1938  
THIS PLAN APPROVED BY THE COUNTY ENGINEER THIS 11th day of August, 1938  
Edgar C. Miller  
COUNTY ENGINEER

THIS PLAT APPROVED BY THE COUNTY ATTORNEY THIS 6 DAY OF APRIL AD. 1974.  
JAMES L. HARRIS  
CLERK OF THE COURT  
EX COUNTY SANTERIAN

THIS DEED IS MADE AND REC'D IN THE PRESENCE OF THE WITNESSES, THE CIRCUIT COURT OF THE STATE OF ILLINOIS, WHEREAS I, JOHN H. COOPER, OF THE CITY OF CHICAGO, COUNTY OF CHICAGO, ILLINOIS, HAVE BEEN EXAMINED BY THE CIRCUIT COURT OF THE STATE OF ILLINOIS, AND DULY RECORDED IN THE PUBLIC RECORDS OF THE CIRCUIT COURT OF CHICAGO, I, JOHN H. COOPER, DO HEREBY CERTIFY THAT THIS PLAT HAS BEEN EXAMINED BY ME AND THAT IT IS A FAITHFUL AND ACCURATE DESCRIPTION OF THE LAND DESCRIBED THEREIN, AND THAT THE SAME IS LOCATED IN THE CITY OF CHICAGO, COUNTY OF CHICAGO, ILLINOIS, AND IS SUBJECT TO NO LIENS OR ENCUMBRANCES, AND THAT THE SAME IS LOCATED IN THE CITY OF CHICAGO, COUNTY OF CHICAGO, ILLINOIS, AND IS SUBJECT TO NO LIENS OR ENCUMBRANCES.

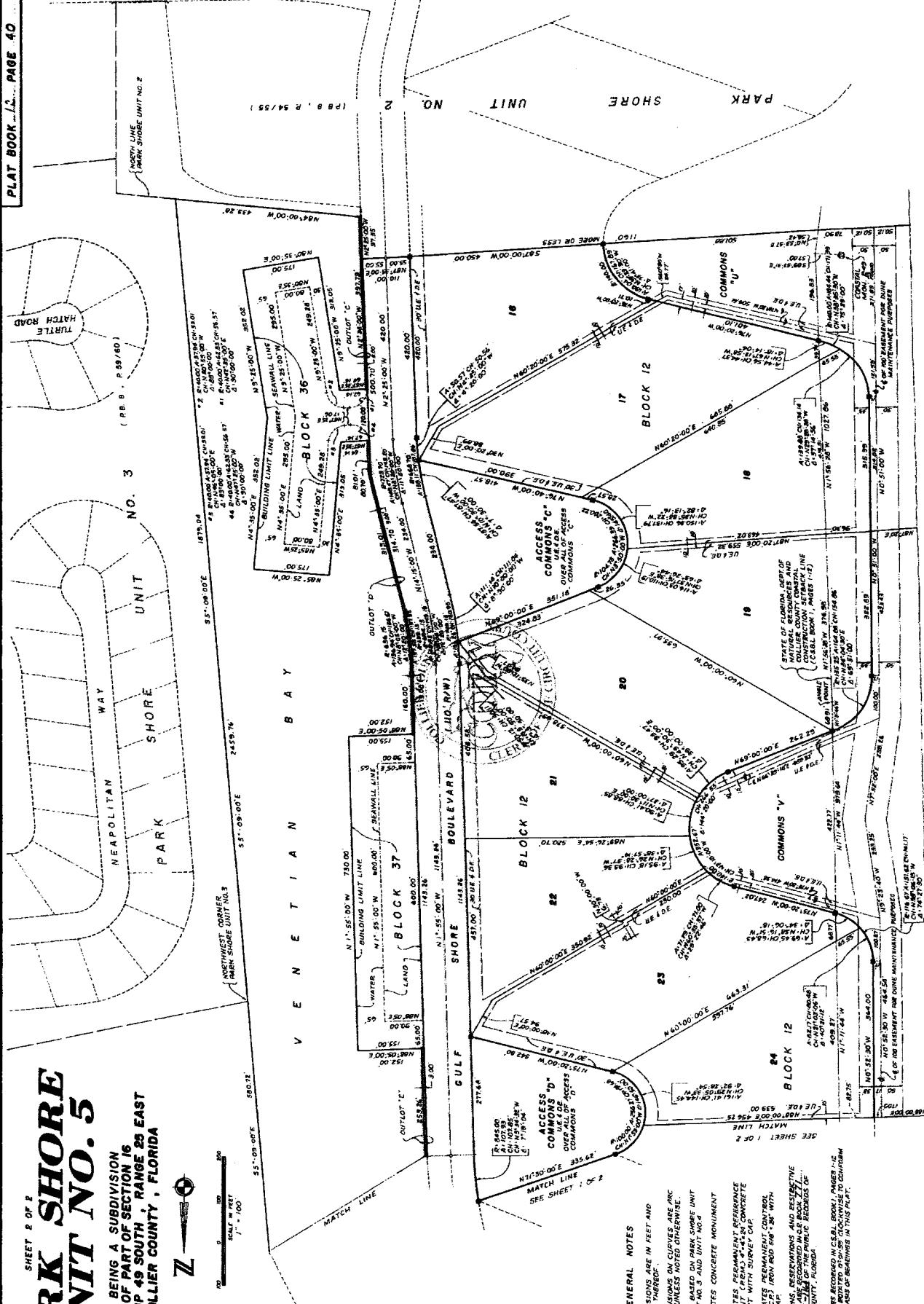


**PARK SHORE  
UNIT NO. 5**

**BEING A SUBDIVISION  
OF PART OF SECTION 16  
TOWNSHIP 49 SOUTH, RANGE 25 EAST  
COLlier COUNTY, FLORIDA**

NETS OF A

PLAT BOOK 1/2 PAGE 40



- GENERAL NOTES**

ALL DIMENSIONS ARE IN FEET AND  
DEGREES THEREOF.

ALL DIMENSIONS ON CURVES ARE ARC  
LENGTHS UNLESS NOTED OTHERWISE.

BEARINGS BASED ON PLANE, SNOW UNIT  
NO. 2, UNIT NO. 3 AND UNIT NO 4

D. INDICATES CONCRETE MONUMENT  
FOUND.

E. INDICATES PERMANENT SURVEY  
MONUMENT (PBM) & CONCRETE  
MONUMENT WITH SURVEY CAP

F. INDICATES PERMANENT CONTROL  
POINT (PCP) FROM SAB-186 WITH  
SURVEY CAP

G. BEARINGS RECORDED IN CBL BOOK PAGE  
1 HAVE BEEN ROTATED 180° CCW TO CORRECT  
FOR OBSERVATIONS MADE IN A B.C. BOOK.  
CHANGES IN COORDINATES ARE REFLECTED  
IN THE PUBLIC RECORDS AS OF

MEXICO  
OF GUATEMALA

**WILSON - MILLER - BARTON - SOLL & PECK, INC.**  
PREPARED BY: CARL H. SOUL OF  
REGISTERED ENGINEERS & LAND SURVEYORS  
COLlier COUNTY, FLORIDA

EXHIBIT B<sup>16</sup>

