

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.

**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.

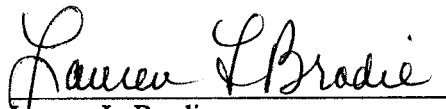
4. The Court finds that the Seawalls are a structure which includes the cap, which is about 2 feet in width, the panels, the tiebacks, filter fabric, the deadmen, the drainage pipes and the outfalls, as depicted on Exhibit "A", Schedule 1 (collectively the "Seawalls"), which are generally located in 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

FUTURE SIDEWALK, CURB, & PAVING
(BY OTHERS)

FINISHED FILL
ELEVATION

EL. +4.0

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

10' 50" x 6' 0"
PRESTRESSED CONC. PILE

18'-0"

FILTER - X MATERIAL
FROM CAP TO
EL. -4.0 x 12' WIDE
AT ALL JOINTS SECURED
W/1" x 2" NAIL STRIP EACH
SIDE OF JOINT

WALL & ANCHOR BLOCK SECTION

1/2" = 1'-0"

2'-0"

7' x 60 M.L.W.

+ 2.1 M.H.W.

0.0 M.L.W.

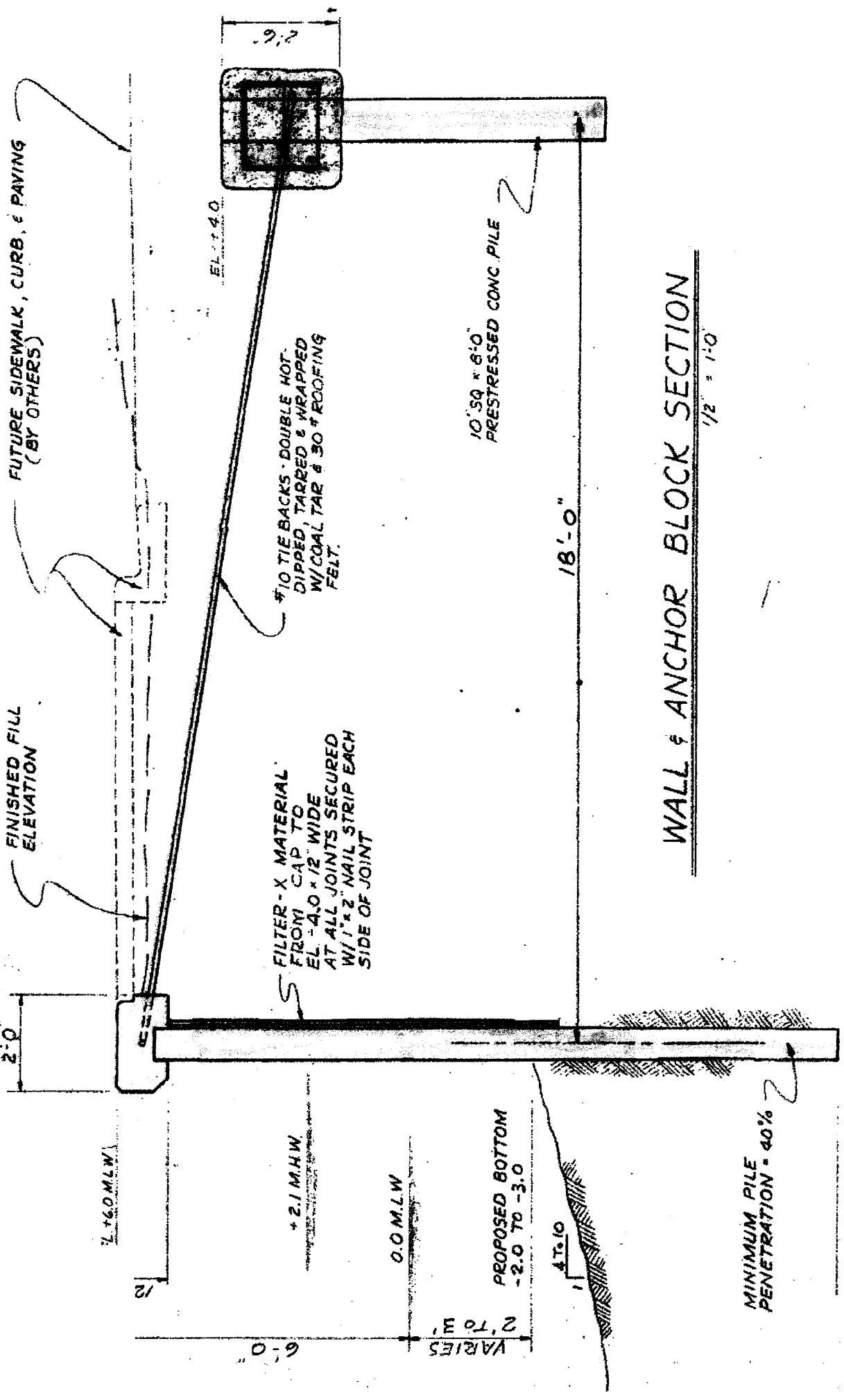
PROPOSED BOTTOM
-2.0 TO -3.0

4' TO 10'

MINIMUM PILE
PENETRATION = 40%

VARIES
2' TO 3'

6'-0"



SCHEDULE 2

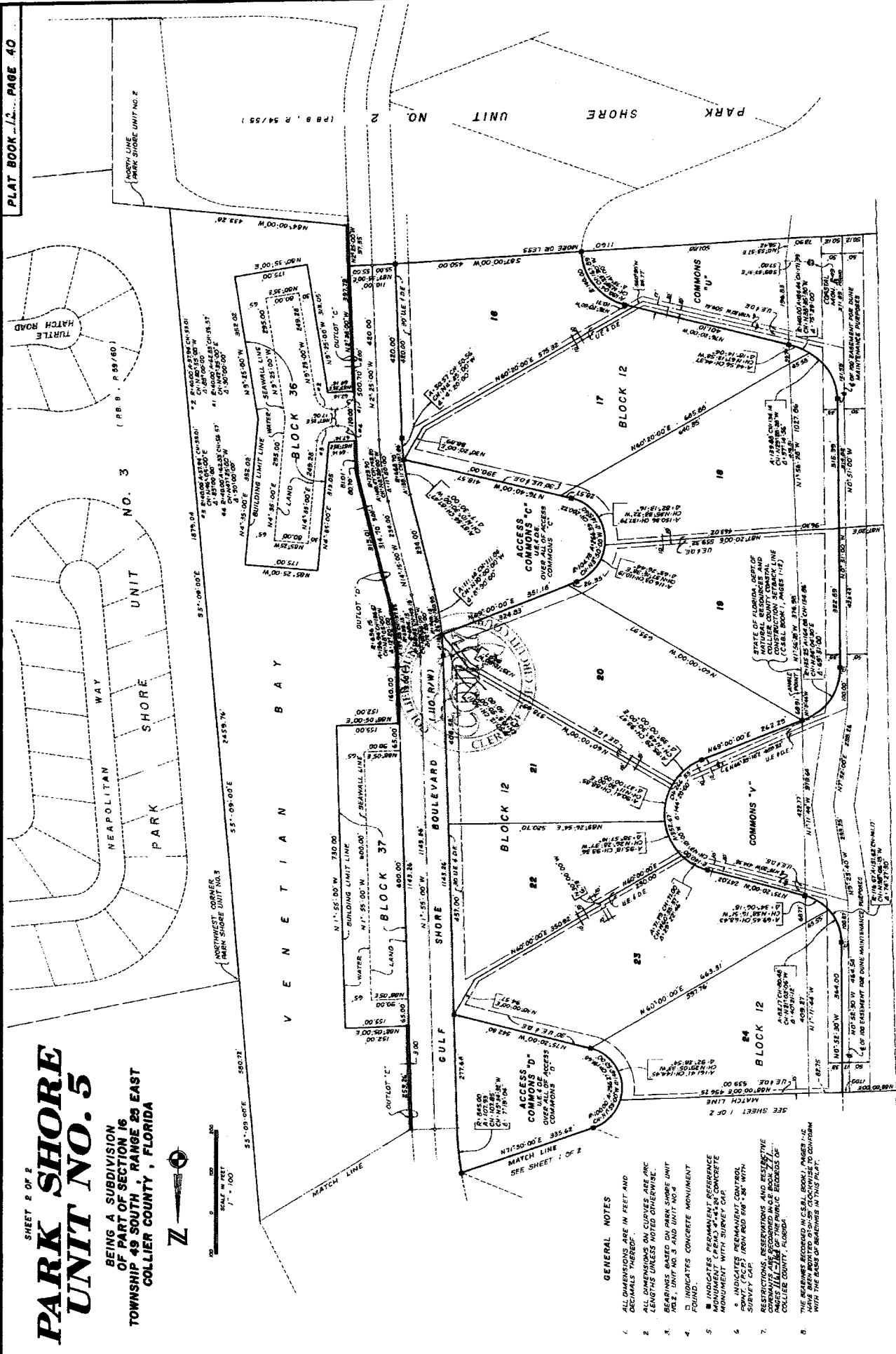
PARK SHORE UNIT NO. 5

BEING A SUBDIVISION OF PART OF SECTION 16, TOWNSHIP 49 SOUTH, RANGE 29 EAST, COLLIER COUNTY, FLORIDA

SHEET 2 OF 2



SCALE IN FEET
1" = 100'



GENERAL NOTES

1. ALL DIMENSIONS ARE IN FEET AND DECIMALS THEREOF.
2. ALL DIMENSIONS ON CURVES ARE ARC LENGTHS UNLESS NOTED OTHERWISE.
3. BEARINGS BASED ON PARK SHORE UNIT NO. 1, UNIT NO. 3 AND UNIT NO. 4 FOUND.
4. D INDICATES CONCRETE MONUMENT.
5. M INDICATES PERMANENT REFERENCE MONUMENT (CERAMIC TILE OR CONCRETE MONUMENT WITH SURVEY DATA).
6. POINT (P.C.S.) FROM 2005 SURVEY WITH SURVEY DATA.
7. RESTRICTIONS, RESERVATIONS AND EASEMENTS ARE SHOWN ON THE PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA.
8. THE BEARINGS, DISTANCES, BEARINGS, ANGLES, AND OTHER DATA SHOWN ON THIS PLAT HAVE BEEN CHECKED AND FOUND TO CONFORM WITH THE BASIS OF BEARINGS IN THIS PLAT.

GULF OF MEXICO

PREPARED BY JOHN N. TULL, JR.
WILSON MILLER BARTON SOLL & PECK, INC.
REGISTERED ENGINEERS & LAND SURVEYORS, INC.
COLLIER COUNTY, FLORIDA

EXHIBIT B2^{#16}

