

**UNITED STATES DISTRICT COURT FOR  
THE NORTHERN DISTRICT OF FLORIDA  
PENSACOLA DIVISION**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**v.**

**Case No. 3:10cv14-MCR/MD**

**0.37 OF AN ACRE OF LAND, MORE  
OR LESS, SITUATE IN ESCAMBIA  
COUNTY, STATE OF FLORIDA, et al.,**

**Defendants.**

\_\_\_\_\_ /

**ORDER FOR DELIVERY OF POSSESSION**

Pending before the court is the plaintiff's Motion for Order of Possession (doc. 26) in this action to condemn certain property located in Escambia County, Florida. The plaintiff has filed an amended complaint (doc. 6) and a declaration of taking (doc. 6-1). The declaration of taking appropriately sets forth the authority under which, and the public use for which, the land is taken; a sufficient description of the land; a statement that the plaintiff will take the property in fee simple subject to existing easements for public roads and highways, public utilities, railroads, and pipelines; a plan showing the land taken; and the amount of money estimated as just compensation for the land. See 40 U.S.C. § 3114(a) (1) - (5). The plaintiff has deposited with the court the amount of the estimated compensation for the property, as stated in the declaration. (Doc. 29). See 40 U.S.C. § 3114(b). Additionally, the plaintiff represents that the property is no longer occupied and that all buildings have been removed from the property.

It appears from this record that Plaintiff is entitled to possession of the property described in the complaint and declaration of taking, and the court will grant the motion.

It is hereby **ORDERED**:

1. Plaintiff's Motion for Order of Possession (doc. 26) is **GRANTED**, as follows:
  - a. Defendants and all persons in possession or control of the property described in the complaint and declaration of taking (docs. 6 & 6-1) shall immediately surrender possession of the described property being condemned to Plaintiff;
  - b. Notice of this order shall be served forthwith upon all persons in possession or control of the property.

**DONE and ORDERED** this 22nd day of March, 2010.

*sl M. Casey Rodgers*  
\_\_\_\_\_  
**M. CASEY RODGERS**  
**UNITED STATES DISTRICT JUDGE**