

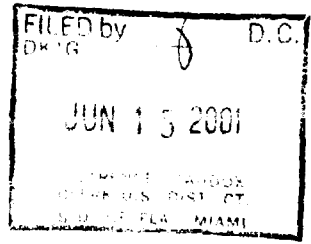
CIV-17-2504

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

MAGISTRATE JUDGE
SIMONTON

UNITED STATES OF AMERICA)
)
Plaintiff,)
)
vs.)
)
2.51 ACRES OF LAND, MORE OR)
LESS, SITUATED IN DADE COUNTY,)
STATE OF FLORIDA, AND UNKNOWN)
HEIRS OF JAMES F. MALCOM A/K/A)
JAMES FLOYD MALCOM (DECEASED),)
ET AL..)
)
Defendants.)

CIVIL NO. **01-2504**
TRACT NO. 419-17
EVERGLADES NATIONAL PARK



DECLARATION OF TAKING

TO THE HONORABLE, THE UNITED STATES DISTRICT COURT:

Pursuant to the authority delegated by the Secretary of the Interior to the Solicitor of the Department of the Interior on February 17, 1959, under subparagraphs (6) and (7) of 210.2.2, Departmental Manual of the Department of the Interior, 24 F.R. 1348, as renumbered (5) and (6) in the Departmental Manual, as redelegated by the Solicitor, I do hereby make and cause to be filed this Declaration of Taking and declare that:

1. The land hereinafter described is taken under and in accordance with the authority set forth in Schedule "A" annexed hereto and made a part hereof.
2. The public uses for which said land is taken are also set forth in said Schedule "A".

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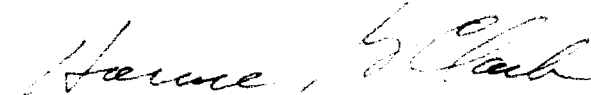
3. A description of the tract of land taken and the estate taken for said public uses are set forth in Schedule "B" annexed hereto and made a part hereof.

4. The names and addresses of purported owners and other parties who may have or claim an interest in the land are set forth in Schedule "C" annexed hereto and made a part hereof.

5. A plat showing the land taken is annexed hereto as Schedule "D" and made a part hereof.

6. The sum estimated as just compensation for said lands, which aggregates 2.51 acres, including any and all interests taken in said land is SIX THOUSAND THREE HUNDRED AND NO/100 DOLLARS (\$6,300.00), which sum I cause to be deposited in the registry of the court for the use and benefit of the persons entitled thereto. I am of the opinion that the ultimate awards for said land probably will be within any limits prescribed by law on the price to be paid therefor.

IN WITNESS WHEREOF, I have signed this Declaration of Taking in the City of Atlanta, County of Fulton, State of Georgia, this 3rd day of April, 2001.



HORACE G. CLARK
Regional Solicitor, Southeast Region
U. S. Department of Interior

SCHEDULE "A"

EVERGLADES NATIONAL PARK

AUTHORITY FOR THE TAKING

The authority for the taking of the land is under and in accordance with the Act of Congress approved August 1, 1888, 25 Stat. 357, as amended, 40 U.S.C., sec. 257; the Act of Congress approved February 26, 1931, 46 Stat. 1421, as amended, 40 U.S.C., sec. 258a, the Act of May 30, 1934, 48 Stat. 816, as amended, which authorized the establishment of Everglades National Park; the Act of December 13, 1989, 103 Stat. 1946, 16 U.S.C., sec. 410r-5, et seq., which expanded the boundaries of Everglades National Park; and the Land and Water Conservation Fund Act of 1965, 78 Stat. 897, as amended, 16 U.S.C., sec. 460l-4, et seq.; and under the authority of the Department of Interior and Related Agencies Appropriation Act, 2001, 114 Stat. 922, which Act appropriated funds for such purposes.

PUBLIC USES

The public uses for which said land is to be taken are as follows: The land is required to modify the boundaries of Everglades National Park and to provide for the protection of lands, waters, and natural resources within the park for the benefit and enjoyment of future generations. The said land has been selected for acquisition by the United States of America for said purposes, and for such other uses as may be authorized by Congress or by Executive Order.

SCHEDULE "B"

EVERGLADES NATIONAL PARK

Tract 419-17

DESCRIPTION:

All that certain tract or parcel of land lying and being situated in the County of Dade, State of Florida, and being more particularly described as follows:

Tallahassee Meridian
Section 20, Township 55 South, Range 38 East,

W 179.30 feet of E 383.60 feet of S 1/2 N 1/2 SW 1/4 SW 1/4 Less S 25 feet,
E 204.30 feet of S 1/2 N 1/2 SW 1/4 SW 1/4 Less S 25 feet and E 25 feet

Containing 2.51 acres, more or less.

Estimated compensation deposited in the Registry of the Court for the above-described property is \$6,300.00.

ESTATE TAKEN:

The fee simple title, including any Severable Use Rights ("SURs") associated with the described land, which rights may exist pursuant to Metropolitan Dade County Code Section 33B, but subject to: (a) all interests of the State of Florida or any political subdivision thereof; (b) oil, gas and mineral interests of record outstanding in third parties; (c) rights of others in and to an easement and right-of-way for roads, contained in Warranty Deed, recorded May 31, 1966 in O.R.B. 5081, Page 671, of the Public Records of Dade County, Florida; (d) rights of others in and to an easement for the purpose of a road right-of-way, created by Dedication, recorded July 19, 1966 in O.R.B. 5140, Page 384, of the Public Records of Dade County, Florida; and (e) existing easements for public roads and highways, public utilities, railroads, and pipelines

SCHEDULE "C"

EVERGLADES NATIONAL PARK

Tract 419-17

NAMES AND ADDRESSES OF PURPORTED OWNERS:

James F. Malcom, a/k/a James Floyd Malcom (deceased)

Unknown heirs and devisees of James F. Malcom

NAMES AND ADDRESSES OF OTHER PARTIES WHO MAY HAVE OR CLAIM AN INTEREST IN THE LAND:

Ann Malcom Olesky (daughter of James F. Malcom)

12810 Hillcrest Road, Suite 129

Dallas, TX 75230-1537

(by virtue of Last Will and Testament of J. Floyd Malcom, recorded in the Public Records of Taylor County, Texas)

Gloria Malcom Thomas, a/k/a Gloria Jean Thomas (deceased daughter of James F. Malcom)

Unknown heirs and devisees of Gloria Malcom Thomas

(by virtue of Last Will and Testament of J. Floyd Malcom, recorded in the Public Records of Taylor County, Texas)

Comerica Bank-Texas, Independent Trustee of the Gloria Malcom Thomas Family Trust

Attn: Robert W. Leonard, CTFA, VP

Private Banking

P.O. Box 226405

Dallas, TX 75222-6405

(by virtue of The Gloria Malcom Thomas Family Trust, recorded in the Public Records of Dallas County, Texas)

Megan Thomas Broom, Trustee of the Gloria Malcom Thomas Family Trust

2072 Cumberland Trail

Plano, TX 75023

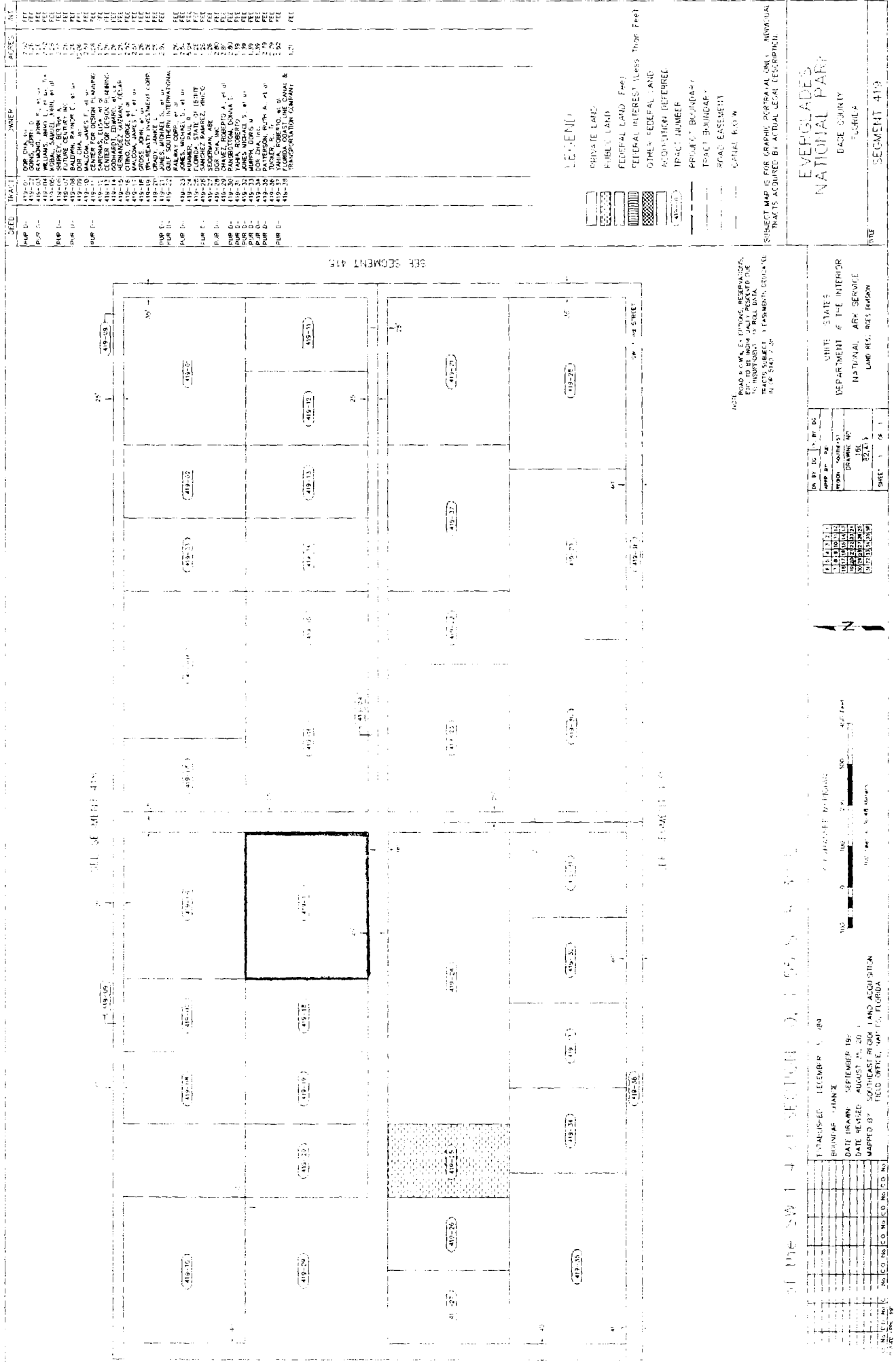
(by virtue of The Gloria Malcom Thomas Family Trust, recorded in the Public Records of Dallas County, Texas)

State of Florida
Department of Revenue
5050 West Tennessee Street
Tallahassee, FL 32399-2100
(by virtue of possible liens for unpaid estate taxes for the Estates of James F. Malcom, Ida P. Malcom, and Gloria Malcom Thomas)

Tax Collector
Tax Collection Division, South Dade Branch
County of Dade
10710 Southwest 211th Street
Miami, Florida 33189
(by virtue of a possible lien for real property taxes)

Unknown owners

SCHEDULE "D"



SEE SEGMENT 415

SEE SEGMENT 415

NOTE: THIS IS A PRELIMINARY SURVEY. THE BOUNDARIES AND AREAS SHOWN HEREON ARE BASED ON THE BEST AVAILABLE DATA AND SHOULD BE CHECKED AGAINST THE ORIGINAL SURVEY RECORDS.

DATE	BY	TO	NO.
1958	J. H.

DATE	BY	TO	NO.
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