

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CIV. NESSBITT

01-0074

CASE NO.

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.)
)
 30.00 ACRES OF LAND, MORE OR)
 LESS, IN THE COUNTY OF)
 DADE, STATE OF FLORIDA; and)
 HAROLD MELLIN, et al.,)
 and UNKNOWN OWNERS,)
)
 Defendants.)

Tract No. 508-04
(EAST EVERGLADES)

CLARENCE HADDOX
CLERK U.S. DIST. CT.
S.D. OF FLA. - MIA

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COMPLAINT IN CONDEMNATION
PURSUANT TO DECLARATION OF TAKING

1. The plaintiff, the United States of America, by and through the undersigned Special Assistant U.S. Attorney for the Southern District of Florida, hereby brings this action to take property at the request of HORACE G. CLARK, Regional Solicitor, Southeast Region, U.S. Department of the Interior, for the taking of 30.00 Acres of Land, More or Less, Situated in Dade County, Florida, under the power of eminent domain, by and through the Declaration of Taking executed by HORACE G. CLARK, and for the ascertainment and award of just compensation to the owners and parties in interest.

2. The authority for the taking of the land is stated in Schedule A, attached hereto.

3. The public uses for which the land is taken is stated in

SCANNED

Schedule A, attached hereto.

4. The property taken, the estates to be taken and the names and addresses of persons having or claiming an interest in the property are contained in Schedules B and C attached hereto.

5. A plat showing the land taken is attached as Schedule D.


6. Local and State taxing authorities may have, or claim, an interest in the property by reason of taxes and assessments.

7. In addition to the persons named, there are, or may be, others who have or may claim some interest in the property taken, whose names are unknown to the plaintiff; such persons are, hereby, made parties to the action under the designation, "UNKNOWN OWNERS."

WHEREFORE, the plaintiff prays that this Court order that the property be condemned, pursuant to both the Declaration of Taking filed with this complaint and the Declaration of Taking Act, 40 U.S.C. § 258a; that just compensation for the taking be ascertained and awarded; and that this court order such other relief as may be lawful.

Respectfully submitted,

GUY A. LEWIS
UNITED STATES ATTORNEY

By: 
CHRISTOPHER D. HAGEN
Special Assistant U.S. Attorney
Florida Bar No. A5600531
99 N.E. 4th Street
Miami, Florida 33132
TEL: (305) 961-9314
FAX: (305) 530-7139

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, 2000, as enacted by section 1000 (a) (3) of the Consolidated Appropriations Act, 2000 (Public Law 106-113), 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 508-04

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 2, Township 55 South, Range 37 East,

NE1/4 of NW1/4 of NW1/4,
S1/2 of NW1/4 of NW1/4

Containing 30.00 acres, more or less.

Estimated compensation deposited in the Registry of the Court for the above-described property is \$15,000.00.

ESTATE TAKEN:

The fee simple title 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 a highway right of way, referred to in a Quit Claim and Conveyance to Dade County, dated May 27, 1964, and recorded in O.R. Book 4283, Page 39, of the Public Records of Dade County, Florida; and (d) existing easements for public roads and highways, public utilities, railroads, and pipelines.

SCHEDULE "C"

EVERGLADES NATIONAL PARK

Tract 508-04

NAMES AND ADDRESSES OF PURPORTED OWNERS:

Leonard S. Lebow and Dafna Lebow, his wife, as to an undivided 1/3 interest
7800 W. Oakland Park Boulevard, Suite 211
Sunrise, FL 33351

Fred Feinstein, as Trustee, as to an undivided 1/3 interest
909 N. Southlake Drive
Hollywood, FL 33019

Harold Mellin and Alan S. Schwartz, as Tenants in Common, as to an undivided 1/3 interest
5601 N. Dixie Highway
Ft. Lauderdale, FL 33334

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

State of Florida
Department of Revenue
5050 West Tennessee Street
Tallahassee, FL 32399-2100
(by virtue of Warrants for Collection of Delinquent Sales and Use Tax, all against Ted and Alan Schwartz, d/b/a Say What, recorded in O.R.B. 11993, Page 1042; O.R.B. 12420, Page 2028; O.R.B. 12569, Page 395; O.R.B. 12732, Page 383; O.R.B. 13051, Page 236; O.R.B. 13125, Page 1516; and O.R.B. 13247, Page 1819, Dade County, Florida)

IGT Services, Inc.
600 NE 36th Street
Miami, FL 33137
Registered Agent: Vincent W. Monard
(address same as above)
(by virtue of Judgment, recorded in O.R.B. 17158, Page 4043, and re-recorded in O.R.B. 17186, Page 4588, Dade County, Florida)

Adriano Gonzalez, Trustee
In re: Alan Ira Schwartz
No. 97-34830 (Bankr., S.D. FL)
10014 S. Federal Hwy
Port St. Lucie, FL 34952

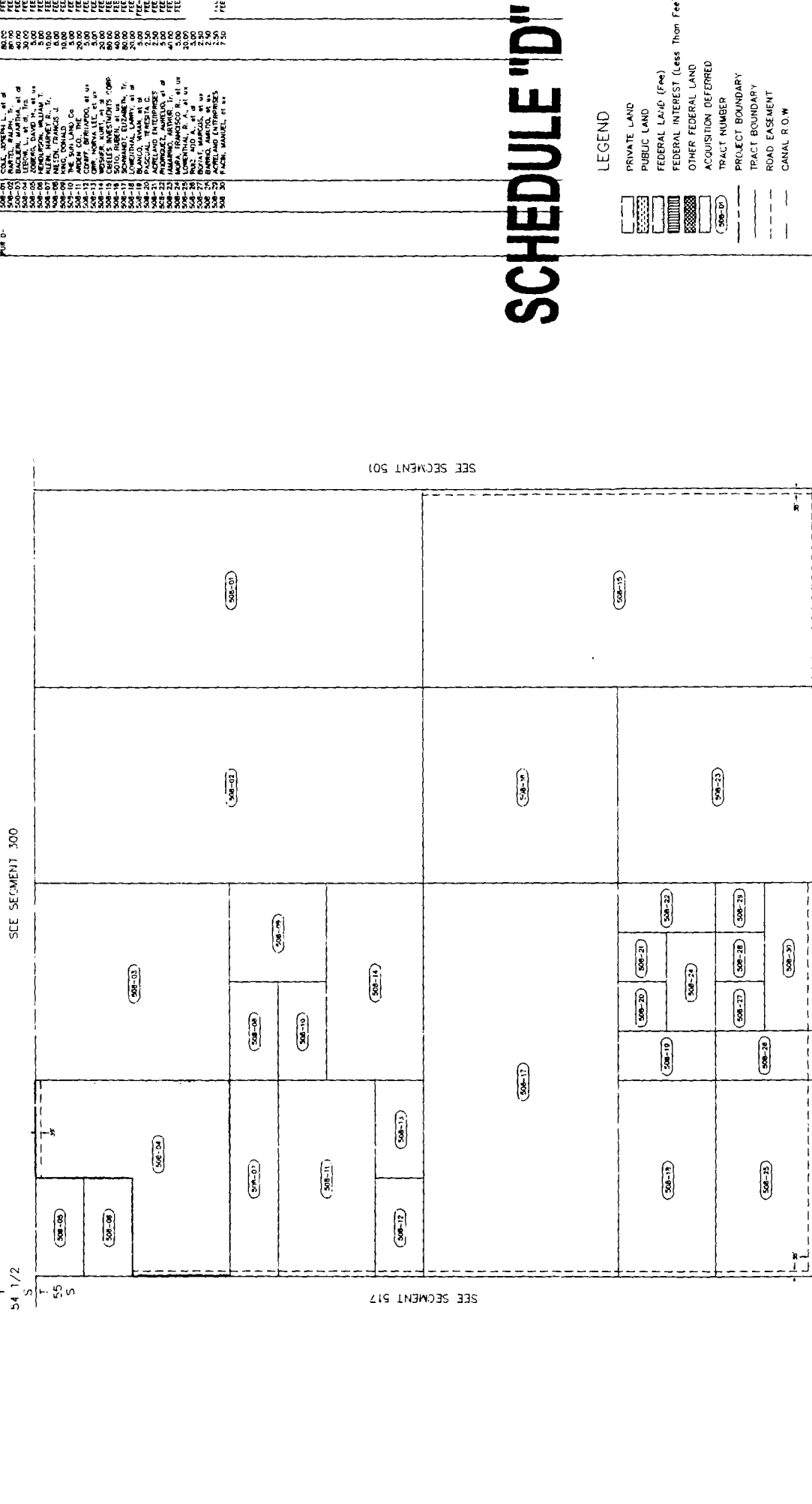
Josephine Mackey Grossman and Mark L. Grossman, her husband
(address unknown)
last known address: 716 Alhambra Circle
Coral Gables, FL 33134

(by virtue of reservation of N 35 feet and W 35 feet as a right-of-way for the purpose of a road,
as referred to in a Warranty Deed, recorded in O.R.B. 3765, Page 169, Dade County, Florida)

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

DEED	TRACT	OWNER	ACRES	INT.
508-01	508-01	CHE. SWERN, et al	10.00	FEE
508-02	508-02	WATL. RAUP, et al	10.00	FEE
508-03	508-03	BULLER, MARINA, et al	40.00	FEE
508-04	508-04	ZOBERS, DAVID H, et al	5.00	FEE
508-05	508-05	WATL. RAUP, et al	10.00	FEE
508-06	508-06	WATL. RAUP, et al	10.00	FEE
508-07	508-07	WATL. RAUP, et al	10.00	FEE
508-08	508-08	NELSON, FRANKS, et al	10.00	FEE
508-09	508-09	THE SAN LAM, Co	10.00	FEE
508-10	508-10	THE SAN LAM, Co	10.00	FEE
508-11	508-11	ARMON CO, THE	20.00	FEE
508-12	508-12	ARMON CO, THE	20.00	FEE
508-13	508-13	OMP. NORVALEE, et al	3.00	FEE
508-14	508-14	WISSELA, WALTER, et al	20.00	FEE
508-15	508-15	WISSELA, WALTER, et al	20.00	FEE
508-16	508-16	SOLO, RICHIE, et al	40.00	FEE
508-17	508-17	ARMON CO, THE	20.00	FEE
508-18	508-18	ARMON CO, THE	20.00	FEE
508-19	508-19	ARMON CO, THE	20.00	FEE
508-20	508-20	ARMON CO, THE	20.00	FEE
508-21	508-21	ARMON CO, THE	20.00	FEE
508-22	508-22	ARMON CO, THE	20.00	FEE
508-23	508-23	ARMON CO, THE	20.00	FEE
508-24	508-24	ARMON CO, THE	20.00	FEE
508-25	508-25	ARMON CO, THE	20.00	FEE
508-26	508-26	ARMON CO, THE	20.00	FEE
508-27	508-27	ARMON CO, THE	20.00	FEE
508-28	508-28	ARMON CO, THE	20.00	FEE
508-29	508-29	ARMON CO, THE	20.00	FEE
508-30	508-30	ARMON CO, THE	20.00	FEE
508-31	508-31	ARMON CO, THE	20.00	FEE
508-32	508-32	ARMON CO, THE	20.00	FEE
508-33	508-33	ARMON CO, THE	20.00	FEE
508-34	508-34	ARMON CO, THE	20.00	FEE
508-35	508-35	ARMON CO, THE	20.00	FEE
508-36	508-36	ARMON CO, THE	20.00	FEE
508-37	508-37	ARMON CO, THE	20.00	FEE
508-38	508-38	ARMON CO, THE	20.00	FEE
508-39	508-39	ARMON CO, THE	20.00	FEE
508-40	508-40	ARMON CO, THE	20.00	FEE
508-41	508-41	ARMON CO, THE	20.00	FEE
508-42	508-42	ARMON CO, THE	20.00	FEE
508-43	508-43	ARMON CO, THE	20.00	FEE
508-44	508-44	ARMON CO, THE	20.00	FEE
508-45	508-45	ARMON CO, THE	20.00	FEE
508-46	508-46	ARMON CO, THE	20.00	FEE
508-47	508-47	ARMON CO, THE	20.00	FEE
508-48	508-48	ARMON CO, THE	20.00	FEE
508-49	508-49	ARMON CO, THE	20.00	FEE
508-50	508-50	ARMON CO, THE	20.00	FEE
508-51	508-51	ARMON CO, THE	20.00	FEE
508-52	508-52	ARMON CO, THE	20.00	FEE
508-53	508-53	ARMON CO, THE	20.00	FEE
508-54	508-54	ARMON CO, THE	20.00	FEE
508-55	508-55	ARMON CO, THE	20.00	FEE
508-56	508-56	ARMON CO, THE	20.00	FEE
508-57	508-57	ARMON CO, THE	20.00	FEE
508-58	508-58	ARMON CO, THE	20.00	FEE
508-59	508-59	ARMON CO, THE	20.00	FEE
508-60	508-60	ARMON CO, THE	20.00	FEE
508-61	508-61	ARMON CO, THE	20.00	FEE
508-62	508-62	ARMON CO, THE	20.00	FEE
508-63	508-63	ARMON CO, THE	20.00	FEE
508-64	508-64	ARMON CO, THE	20.00	FEE
508-65	508-65	ARMON CO, THE	20.00	FEE
508-66	508-66	ARMON CO, THE	20.00	FEE
508-67	508-67	ARMON CO, THE	20.00	FEE
508-68	508-68	ARMON CO, THE	20.00	FEE
508-69	508-69	ARMON CO, THE	20.00	FEE
508-70	508-70	ARMON CO, THE	20.00	FEE
508-71	508-71	ARMON CO, THE	20.00	FEE
508-72	508-72	ARMON CO, THE	20.00	FEE
508-73	508-73	ARMON CO, THE	20.00	FEE
508-74	508-74	ARMON CO, THE	20.00	FEE
508-75	508-75	ARMON CO, THE	20.00	FEE
508-76	508-76	ARMON CO, THE	20.00	FEE
508-77	508-77	ARMON CO, THE	20.00	FEE
508-78	508-78	ARMON CO, THE	20.00	FEE
508-79	508-79	ARMON CO, THE	20.00	FEE
508-80	508-80	ARMON CO, THE	20.00	FEE
508-81	508-81	ARMON CO, THE	20.00	FEE
508-82	508-82	ARMON CO, THE	20.00	FEE
508-83	508-83	ARMON CO, THE	20.00	FEE
508-84	508-84	ARMON CO, THE	20.00	FEE
508-85	508-85	ARMON CO, THE	20.00	FEE
508-86	508-86	ARMON CO, THE	20.00	FEE
508-87	508-87	ARMON CO, THE	20.00	FEE
508-88	508-88	ARMON CO, THE	20.00	FEE
508-89	508-89	ARMON CO, THE	20.00	FEE
508-90	508-90	ARMON CO, THE	20.00	FEE
508-91	508-91	ARMON CO, THE	20.00	FEE
508-92	508-92	ARMON CO, THE	20.00	FEE
508-93	508-93	ARMON CO, THE	20.00	FEE
508-94	508-94	ARMON CO, THE	20.00	FEE
508-95	508-95	ARMON CO, THE	20.00	FEE
508-96	508-96	ARMON CO, THE	20.00	FEE
508-97	508-97	ARMON CO, THE	20.00	FEE
508-98	508-98	ARMON CO, THE	20.00	FEE
508-99	508-99	ARMON CO, THE	20.00	FEE
508-100	508-100	ARMON CO, THE	20.00	FEE



SCHEDULE "D"

- LEGEND**
- PRIVATE LAND
 - PUBLIC LAND
 - FEDERAL LAID (Free)
 - OTHER FEDERAL LAND
 - ACQUISITION DEFERRED
 - PROJECT NUMBER
 - TRACT BOUNDARY
 - ROAD EASEMENT
 - CANAL R O W

SUBJECT MAP IS FOR GRAPHIC PORTRAYAL ONLY. INDIVIDUAL TRACTS ACQUIRED BY ACTUAL LEGAL DESCRIPTION

EVERGLADES NATIONAL PARK

DADE COUNTY
FLORIDA

SEGMENT 508

NO.	DATE	BY	REVISION
1	12/13/89
2	4/15/93
3	3/15/00

ESTABLISHED: DECEMBER 13, 1989
 BOUNDARY CHANGE:
 DATE DRAWN: APRIL 1993
 DATE REVISED: MARCH 15, 2000
 MAPPED BY: SOUTHEAST REGION LAND ACQUISITION FIELD OFFICE, NAPLES, FLORIDA



SECTION 2, T 55 S R 37 E

SEE SEGMENT 300

SEE SEGMENT 501

SEE SEGMENT 509

UNITED STATES
 DEPARTMENT OF THE INTERIOR
 NATIONAL PARK SERVICE
 LAND RESOURCES DIVISION

DATE: 12/13/89
 DRAWING NO: 180
 SHEET: 1 OF 1