

LEGISTAR NO.

110741

ORIGINAL FAX

[Signature]
Deputy Clerk

IN THE CIRCUIT COURT OF THE
EIGHTH JUDICIAL CIRCUIT, IN AND
FOR ALACHUA COUNTY, FLORIDA

2011 CA6371

CASE NO: *J*
CIVIL DIVISION

FILED
OK 41
2011 DEC -7 PM 5:00
J.K. "BUD" IRBY
CLERK OF COURTS
ALACHUA COUNTY, FL

VERNELLE JONES
Plaintiff

v.

CITY OF GAINESVILLE,
Defendant

**COMPLAINT FOR INVERSE CONDEMNATION BY
UNCOMPENSATED TAKING OF PROPERTY, AND DAMAGES**

Plaintiff, Vernelle Jones, sues the City of Gainesville (hereinafter City), and says:

1. This is an action for inverse condemnation, and for damages in excess of the threshold jurisdiction of this court, for costs and attorney's fees, and for such other relief as may be proper.
2. This action results from the uncompensated taking of a portion of Plaintiff's real property, located at 204 SE 13th Lane in the city of Gainesville, Florida, which resulted in the property's becoming substandard and non-conforming for development as a residential lot; and the completion of the taking which occurred in December of 2007 when the City's Board of Adjustment denied Plaintiff's application for an exemption to build a residential home on the lot.

GENERAL ALLEGATIONS

A. PARTIES

3. Plaintiff Vernelle Jones is a resident of Alachua County, Florida.
4. Defendant is the City of Gainesville, seated within Alachua County, Florida.

B. JURISDICTION AND VENUE

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5. This action seeks money damages in excess of the jurisdictional threshold of this Court, together with costs and attorney's fees.

6. This Court has jurisdiction pursuant to Article V, Section 5(b) of the Constitution of the State of Florida, and section 26.012 (2)(c), Florida Statutes.

7. The events or transactions out of which this claim arose occurred in Alachua County, Florida.

C. DESCRIPTION OF PROPERTY INVOLVED IN ACTION

8. Plaintiff is the owner of certain real property located at 204 SE 13th Lane in the city of Gainesville, Florida, Tax Parcel No. 15886-001-001. The lot is undeveloped, although construction was begun on a single-family dwelling. It is zoned RSF-3 (Single-family Residential, 5.8 du/a).

D. ACTIONS TAKEN BY THE CITY

I. INITIAL TAKING

9. Plaintiff's real property described above was a standard conforming lot prior to the City's actions.

10. At an undetermined point in the past, a portion of Plaintiff's property was annexed by the City, without notice or process, in the acquisition of right-of-way.

11. The portion of property annexed rendered the remaining lot substandard and non-conforming for development.

II. COMPLETION OF TAKING

12. Plaintiff was issued building permits and began construction of a single-family dwelling on the property in 2007.

13. Plaintiff's building permits were revoked by the City following a determination that the lot was substandard and non-conforming.

14. Plaintiff applied for a special exception pursuant to Sec. 30-346(c)(3), City of Gainesville Land Development Code, which was ultimately denied by the Board of Adjustment.

15. Plaintiff learned of the annexation of property for right-of-way via a public records request subsequently placed with the City and filled in late December 2007.

COUNT I: INVERSE CONDEMNATION

16. Plaintiff realleges and incorporates by reference paragraphs 1-15.

17. Defendant, through uncompensated takings beginning with the acquisition of property for right-of-way and culminating with the denial of use of the property for development, deprived Plaintiff of all productive use of her property.

18. Plaintiff has suffered damages as a result of the actions of Defendant, including the loss of value of the property and the loss of monetary investment in development of the property prior to the revocation of her building permits.

WHEREFORE, Plaintiff asks the court to:

A. Order the Defendant to begin eminent domain proceedings of the subject property in order to determine the amount of full and just compensation owed to Plaintiff.

B. Award Plaintiff the building costs incurred by Plaintiff in good faith prior to the completion of the taking.

C. Award Plaintiff the costs of this action, including a reasonable attorney's fee and such other relief as may be proper.

Respectfully submitted,



JOHN G. BLADE

Attorney for the Plaintiff

327 Office Plaza Drive, Suite 104

Tallahassee, Florida 32301

Tel: (850) 222-5297

Fax: (850) 222-1333

Fla. Bar No. 0076411