



Legislation Text

File #: 100838., **Version:** 0

ALACHUA LAND INVESTORS, LLC V. CITY OF GAINESVILLE; CASE NO. 01-2008-CA-3088 (NB)

The City Commission authorize the City Attorney to retain special counsel in the case styled Alachua Land Investors, LLC v. City of Gainesville, Case No. 01-2008-CA-3088.

On June 16, 2008, Alachua Land Investors (ALI) filed suit against the City of Gainesville in the Circuit Court of Florida's Eighth Judicial Circuit. ALI sought reversal of the City Commission's denial of a design plat application by way of Petition for Writ of Certiorari alleging that the decision of the City Commission departed from the essential elements of law and was not supported by competent substantial evidence. Additionally, Alachua Land Investors sought declaratory and injunctive relief alleging that the City's wetlands mitigation requirements are preempted by State regulations, and that the proposed design plat is exempt from the City's mitigation requirements. The Circuit Court held the complaint for declaratory and injunctive relief in abeyance until such time as the certiorari review of the decision was complete. On October 31, 2008, the Circuit Court denied the certiorari relief, upholding the decision of the City Commission. ALI filed a timely notice seeking further review by the First District Court of Appeal. After extensive briefing by both parties, and oral argument before a three-judge panel of the First District Court of Appeal, the Court ruled in favor of the City on July 17, 2009, and the decision became final on September 10, 2009.

Subsequently, in December 2009, ALI abandoned its claims for declaratory and injunctive relief, and amended its Complaint filed in the Circuit Court to allege that the City Commission's denial of the plat application was a regulatory taking for which it is due full compensation. ALI now asserts that the City's regulatory action, while valid, denies ALI's intended use of the property, thus negating substantial economic value of the property. The case is set for phase one of the takings trial in September 2011.

Due to the volume of discovery involved in this case, the recent scheduling of a trial date by the court, and current workload of the Office, it is cost effective to retain special counsel to assist this Office in this case.