

IN RE: PROCEEDINGS BEFORE MARION COUNTY, FLORIDA

AZ OCALA RANCH, LLC, a
a Foreign Limited Liability Company; and
MARION MITIGATION, LLC, a
Florida Limited Liability Company.

**CLAIM PURSUANT TO BERT J. HARRIS, JR. PRIVATE PROPERTY RIGHTS
PROTECTION ACT, SECTION 70.001, FLORIDA STATUTES**

PROPERTY OWNERS AZ OCALA RANCH, LLC AND MARION MITIGATION, LLC, (together, the “Owners”), by and through their undersigned attorneys, file this claim for compensation under Section 70,001, Florida Statutes, the Bert J. Harris Private Property Rights Protection Act (the “Act”) in regard to the property known as “Ocala Ranch” (the “Property”). In support of this claim, the Owners state the following:

1. On July 18, 2017, Marion County (“the County”) denied applications (the “Applications”) that had been filed by the Owners requesting an amendment to the County’s Future Land Use Map and an amendment to the current zoning of the Property.

2. The Property is more particularly described in the Applications.

3. The County’s denials (the “Denial Decisions”) have inordinately burdened a vested right to the specific use of the Property as a “Rural Community,” as that term is defined and described in Policy 2.1.18 in the Future Land Use Element of the County’s Comprehensive Plan.

4. Policy 2.1.18 was adopted as part of the County’s Comprehensive Plan in 2014.

5. Once adopted, all actions taken by the County regarding land use decisions involving the Rural Community Future Land Use designation must be consistent with this Policy.

6. The Owners substantially complied with all of the requirements of Policy 2.1.18 in processing the Applications and spent significant funds in reliance on the terms and conditions of Policy 2.1.18, the applicable provisions of the County’s Land Development

Code (“LDC”), as well as comments and recommendations from County staff members, appointed County officials and elected County officials.

7. The Owners should have received County approval of the Applications.

8. The Denial Decisions directly restrict and limit the use of the Property to only rural uses and are inconsistent with Policy 2.1.18.

9. Unless the County reverses the Denial Decisions, the Owners are permanently unable to attain the reasonable, investment-backed expectations for use of the Property as a Rural Community.

10. The Owners have obtained a bona fide, valid appraisal that demonstrates the loss in fair market value to the Property as a result of the Denial Decisions is \$20,280,000.00 (the “Appraisal”). A copy of the Appraisal is included with this submittal.

WHEREFORE, the Owners file this claim against the County in the amount of \$20,280,000.00 for compensation as a result of the Denial Decisions.

/s/ Miranda F. Fitzgerald

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