

Bond Case Briefs

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HISTORIC LANDMARKS - FLORIDA

Cascar, LLC v. City of Coral Gables

District Court of Appeal of Florida, Third District - June 26, 2019 - So.3d - 2019 WL 2607425

Historic building owner brought action against city under the Bert J. Harris, Jr., Private Property Rights Protection Act seeking to recover for diminution of value allegedly caused by city's refusal to allow demolition of building.

The Circuit Court granted summary judgment for city. Owner appealed.

The District Court of Appeal held that grandfather provision of Harris Act barred owner's claim.

Grandfather provision of Bert J. Harris, Jr., Private Property Rights Protection Act, which stated that the remedy the Act provided to owners of property inordinately burdened by government action did not apply "to the application of any law enacted," or ordinance adopted, on or before a particular date, barred owner of historic residence from maintaining claim against city under the Act arising out of city's refusal to allow historic residence to be demolished, even though building was designated a landmark after the relevant date and city denied permission to demolish after such date, where ordinance pursuant to which city designated residence a landmark, and pursuant to which it denied owner's request for a demolition permit, was enacted prior to such date.