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EMINENT DOMAIN - FLORIDA

Lake Lincoln, LLC v. Manatee County

District Court of Appeal of Florida, Second District - January 13, 2023 - So.3d - 2023 WL 175208 - 48 Fla. L. Weekly D144

Developer brought inverse condemnation action against county, alleging categorical regulatory taking based on county's denial of its application to amend development order and zoning ordinance for developer's 10.32-acre parcel within a 1,124-acre development of regional impact (DRI).

The Circuit Court granted county's motion for summary judgment. Developer appealed.

The District Court of Appeal held that "relevant parcel" for purposes of takings analysis included only developer's 10.32-acre parcel within DRI, and not entire 1,124-acre DRI.

For purposes of Fifth Amendment takings analysis stemming from county's denial of developer's application to amend development order and zoning ordinance for 1,124-acre development of regional impact (DRI), "relevant parcel" included only a 10.32-acre parcel located within the DRI, rather than the entire DRI itself; developer's request to develop its 10.32-acre parcel was physically and temporally remote from other existing developments within DRI, and undisputed facts demonstrated that landowner could achieve no economic use on its 10.32-acre parcel as a result of county's restriction to uses for only open spaces and wetlands during a nearly nine-year period.

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