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January 13, 2017

*Via hand Delivery*

City of Anna Maria  
c/o Mayor Dan Murphy  
P.O. Box 779  
10005 Gulf Drive  
Anna Maria, Florida 34216

Re: Bert J. Harris Claim, 70.001, Fla. Stat. July 1. 2012

Dear Mayor Murphy,

The firm represents Metro and Suzanne Butner, owners of improved properties described as 203 Elm Avenue and 10107 Gulf Drive, Anna Maria, FL 34216.

Homes on these properties were constructed and have been operating as short-term rental properties within the City of Anna Maria. The City of Anna Maria has authorized the use of these properties as a short term vacation rentals.

The "before" condition of the subject property is a house and an apartment unit able to support (22) guests as part of the authorized and approved short-term rental use of the properties.

By the City of Anna Maria's passage on November 19, 2015 of Ordinance 15-807, this property is now restricted to a lower occupancy.

The Florida Legislature has passed Section 70.001 *Fla. Stat.*, known as the "Bert J Harris Jr. Private Property Rights Protection Act as Amended"

Chapter 70.001, *Fla. Stat.*, "Inter Alia", Created a separate and distinct cause of action which provides for relief or payment of compensation when a new law, rule, regulation or ordinance of the state or a political entity in the state, as applied, unfairly affects real property, "When a specific action of

a government has inordinately burdened an existing use of real property or a vested right to a specific use of real property, the property owner of that real, property is entitled to relief, which may include compensation for the actual loss to the fair market value of the real property caused by the action of government, as provided in this section. *Fla. Stat 70.001(2)*.

The property owners of the subject properties assert that their vested right to an actual use of said legal property has been inordinately burdened by the City of Anna Maria's adoption of the Ordinance 15-8097 by restricting its occupancy to 14 persons in the house and 6 in the apartment and after 5 years will limit the use to 10 persons in the house and zero in the apartment. That Ordinance inordinately burdened an existing use and/or vested right to a specific use of the subject property.

To that end, this letter serves as a formal, written claim pursuant to 70.001, *Fla. Stat.*, the Bert Harris Jr. Private Property Rights Protection Act as Amended. An appraisal that provides for a before and after valuation demonstrating the loss in fair market value of the subject property resulting from actions of the City of Anna Maria will be provided shortly. The appraisal will establish the loss in value as a result of Ordinance 15-807 to be in excess of \$500,000.

Pursuant to 70.001(4)(c), *Fla. Stat.*, the City of Anna Maria has 150 days to respond to this claim with a written settlement offer. You should consult your counsel as to any other obligations and settlement opportunities contained within this statute.

PLEASE GOVERN YOURSELVES ACCORDINGLY.

Yours Truly,

Kelley A. Bosecker, Esq.

Cc: Metro and Suzzane Butner