

# Appeals court overturns lower court's Halls River ruling

Submitted by Robby Douglas on Sat, 03/21/2009 - 5:26pm.

The 5th District Court of Appeal has ruled in Citrus County's favor in the case of a developer's suit that sought to allow him to build time-share condos along 11 acres of Hall's River in Homosassa.

Clearwater developer F. Blake Longacre, who has developed lucrative time-share projects on the beaches of Daytona and Cayman Islands, initially won a county commission vote to allow the development, which drew sharp criticism from residents who had protested allowing the development to proceed would result in the piercing of the water table, and that resultant boat traffic would wreak havoc on the area, which is a haven for manatees.

More than 3,000 residents signed a petition and sent letters opposing plans for what was called the "Halls River Retreat."

But three out of five county commission votes temporarily frustrated local groups' efforts to stop the project. The showdown came at the county commission's Feb. 12, 2002, meeting, where Longacre was given the go-ahead by a 3-2 vote.

Voting in favor of the development were Commissioners Jim Fowler, Josh Wooten and Roger Batchelor, who would later pay politically at the polling place for their vote. Opposing the development were Commissioners Gary Bartell and Vicki Phillips.

Local conservation groups then began the long trek that eventually culminated in the 5th District's ruling. Among the more prominent groups were Save the Homosassa River Alliance and Protect Our Waterways. Concerned county residents and groups drew support from Lew Ranieri, who had been a significant Wall Street figure in the 1980s.

Ranieri, an environmentalist himself, let it be known that he, too, opposed the Hall's River development, as early as two weeks before the county commission voted to approve the development. Ranieri, a major shareholder in Pro-Line Boats, has a vacation home along the Homosassa River. He also owns pieces of land along the area where the development would be located.

Odd as it was, the alliance between Ranieri and conservation groups proved a powerful one, and Ranieri even hired Tallahassee attorney Dan Stengle to work with the Protect Our Waterways attorney.

On Nov. 6, 2002, the county commission's approval of Halls River Retreat was nullified by Circuit Judge Jack Springstead, who said the commission majority "predetermined their decision" and "disregarded evidence and testimony."

The case rambled on in the courts, ending eventually in front of the 5th Judicial Circuit's bench, where the nut of the argument against the county was that the Hall's River development was unduly burdened by the county's Land Use ordinance, which had been changed since the initial development application by Longacre to be more in line with state requirements.

The court ruling says, "In the final analysis, Halls River's claim fails for several reasons. Initially, the Ordinance clearly did not create an inordinate burden on Halls River's property since the Ordinance exempted the property."

The court ruling also noted, "The County acted beyond its lawful authority in approving the project," and that Halls River never had a lawful right to the proposed use for a multifamily dwelling, the County staff's misadvice notwithstanding.

The court ruling also noted, "We recognize that almost universally, the result in this case will be seen as unduly harsh. There is no doubt that Halls River was misled to its detriment by the County's unintentional misadvice."