

# Persson & Cohen, P.A.

Attorneys and Counselors At Law

David P. Persson  
Andrew H. Cohen  
Kelly M. Fernandez\*  
Maggie D. Mooney-Portale\*  
R. David Jackson  
Regina A. Kardash

Telephone (941) 375-3565  
Facsimile (941) 451-8375  
Email: [dpersson@swflgovlaw.com](mailto:dpersson@swflgovlaw.com)

\* Board Certified City, County and Local Government Law

Reply to: *Venice*

April 4, 2016

The Honorable John W. Holic, Mayor  
and Members of the City Council  
401 West Venice Avenue  
Venice, Florida 34285

Re: Extraordinary Mitigation Fee (EMF)

Dear Mayor Holic and Council Members:

Pursuant to direction from City Council, attached for discussion at your next meeting is my opinion letter of March 13, 2015, regarding the validity of the Extraordinary Mitigation Fee (EMF). Essentially, it is my opinion that the Pre-Annexation Agreements are contracts entered into between two parties – the landowners who wanted to come into the City and the City. The landowners were free to remain within the County and develop their property in accordance with County regulations. There was no requirement to enter into these agreements to develop their property. Therefore, these agreements are not land use regulations and are not impact fees. They are contracts and can be enforced as anyone would enforce a contract.

The City and Neal Communities have met on two occasions in a continuing effort to resolve Neal Communities' concerns regarding payment of these fees. Our most recent meeting was early February.

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Lakewood Ranch  
6853 Energy Court  
Lakewood Ranch, Florida 34240

Venice  
217 Nassau Street S.  
Venice, Florida 34285

The Honorable John W. Holic, Mayor  
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If I can address any questions that you might have, please call me.

Respectfully,

A handwritten signature in black ink, appearing to read 'David P. Persson', with a large, sweeping flourish extending to the right.

David P. Persson

DPP/dgb

cc: Edward Lavalley, City Manager  
Jeff Shrum, Development Services Director  
Lori Stelzer, City Clerk  
Jeffery A. Boone, Esquire