



LAW OFFICES  
BOONE, BOONE, BOONE & KODA, P.A.

P. O. BOX 1596  
VENICE, FLORIDA 34284

ESTABLISHED 1956

E.G. (DAN) BOONE  
JEFFERY A. BOONE  
STEPHEN K. BOONE  
JOHN S. KODA  
JACKSON R. BOONE  
STUART S. BOONE

JAMES T. COLLINS, LAND PLANNER  
(NOT A MEMBER OF THE FLORIDA BAR)

STREET ADDRESS:  
1001 AVENIDA DEL CIRCO 34285  
TELEPHONE (941) 488-6716  
FAX (941) 488-7079  
e-mail: adm@boone-law.com

June 20, 2017

**VIA HAND DELIVERY**

Mr. Jeff Shrum, AICP  
Community Development Director  
City of Venice  
401 West Venice Ave  
Venice, Florida 34285

Re: 127 East Tampa Ave – Vested Rights

Dear Jeff:

As you are aware, we represent Bluedog Capital Partners, LLC, property owners, in connection with the above-referenced matter.

As you are also aware, our client desires to confirm the status of the residential units on the 127 East Tampa Ave property. It has come to our attention that our previous letter communicating our request for a vested rights determination made a citation to only one of the two applicable sections of the City Code. Please accept this letter as supplement to our initial request for a vested rights determination, pursuant to both Sections 86-48 and 94-4 of the City Code.

Section 86-48 provides for a party to be awarded the determination of vested rights by City Council upon a showing that it has acted upon (1) a reliance in good faith upon some act or omission of the government; and has incurred (2) a substantial change in position or the incurrence of such extensive obligations and expenses that it would be highly inequitable and unjust to destroy the rights that have been acquired. As these criteria are essentially the same as the criteria cited pursuant to Section 94-4 of the City Code in my letter to you of May 10, 2017, my analysis and assertion that our client has satisfied the requisite criteria remains the same.

In light of the above, please accept this additional information as part of our vested rights determination request before City Council.

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JUN 20 2017  
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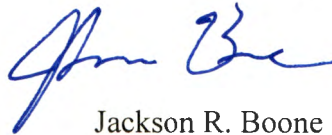
Mr. Jeff Shrum, AICP  
Community Development Director  
June 20, 2017  
Page 2

If you have any questions or need any additional information, please do not hesitate to contact us.

We appreciate your attention to our request.

Kind regards.

Very truly yours,

A handwritten signature in blue ink, appearing to read "J. Boone", is positioned above the printed name.

Jackson R. Boone

jrb

cc: Client (via email)

T68-15304/LtrTasca06.20.17



LAW OFFICES  
BOONE, BOONE, BOONE & KODA, P.A.

P. O. BOX 1596  
VENICE, FLORIDA 34284

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May 10, 2017

E.G. (DAN) BOONE  
JEFFERY A. BOONE  
STEPHEN K. BOONE  
JOHN S. KODA  
JACKSON R. BOONE  
STUART S. BOONE

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(NOT A MEMBER OF THE FLORIDA BAR)

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**VIA HAND DELIVERY**

Mr. Jeff Shrum, AICP  
Community Development Director  
City of Venice  
401 West Venice Ave  
Venice, Florida 34285

Re: 127 East Tampa Ave – Vested Rights

Dear Jeff:

As you are aware, we represent Bluedog Capital Partners, LLC, property owners, in connection with the above-referenced matter.

As you are also aware, our client desires to confirm the status of the residential units on the 127 East Tampa Ave property. This property is currently zoned Commercial General, allowing residential use only via Special Exception. However, due to the prior and continuous use of the residential units upon said property, our client has maintained the ability to lease the units on the basis of their grandfathered status.

At this juncture, we would like to pursue a vested rights determination for the residential uses upon the 127 East Tampa Ave property. The ability to be awarded a vested rights determination is provided for by Section 94-4 of the City Code. When an applicant makes a positive showing of the three (3) requisite criteria for vested rights before the City Council, Council has the ability to affirm such rights have vested. These three (3) criteria are as follows: (1) Has relied in good faith; (2) Has relied upon some act or omission of the government; and (3) Has made a substantial change in position or incurred such extensive obligations and expenses that it would be highly inequitable and unjust to destroy the rights he has acquired.

Our client came into ownership and control of the 127 East Tampa Ave property in October of 2010. At this time, residential uses were already ongoing on the property. As part of the property rehabilitation process, over \$670,119.11 was spent in capital improvements, including satisfying a code enforcement lien of \$46,250.000. Of the rehabilitative work performed on the property, notable investments include a new roof, new signage, water line repairs and further remodeling. Our client applied for and received numerous permits from the City as part of the above-mentioned rehabilitative work, and incurred extensive expenses in implementing said capital improvements. Clearly, our client has satisfied the three (3) criteria mentioned above.

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MAY 11 2017

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Mr. Jeff Shrum, AICP  
Community Development Director  
May 10, 2017  
Page 2

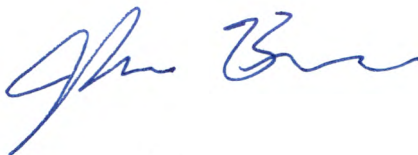
In light of the above, please accept this letter as our formal request, on behalf of our client, for a vested rights determination before City Council.

If you have any questions or need any additional information, please do not hesitate to contact us.

We appreciate your attention to our request.

Kind regards.

Very truly yours,



Jackson R. Boone

jrb  
Enclosure  
T68-15304\VestedRights

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MAY 11 2017

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PZ 17-157



"City on the Gulf"

# City of Venice, Florida

## Petition for Vested Rights

Oper: CASHIERN  
 Date: 5/26/17 00  
 Type: OC  
 Receipt no: 71270  
 2017  
 157  
 PLANNING & ZONING  
 1.00  
 158  
 \$300.00  
 \$300.00  
 Trans date: 5/26/17  
 Time: 10:26:06

Petitioner Blue Dog Capital Partners, LLC  
 owner of property located at 127 E. Tampa Ave  
 with a legal description of Please see attached legal description and deed  
 hereby petitions the city council of the City of Venice to grant petitioner's property vested rights pursuant to Section 86-48 and as grounds there for states:

- The "vested right" that the petitioner seeks is described as follows:  
To confirm the status of the residential units on the 127 East Tampa Ave property.
- The petitioner's reliance in good faith upon some act or omission of government is described as follows:  
Please see attached letter.
- The petitioner's substantial change in position or incurrence of such extensive obligations and expenses that it would be highly inequitable and unjust to destroy the rights that have been acquired is described as follows:  
Please see attached letter.
- Petitioner hereby swears or affirms that the statements contained herein are true and correct.

By:  JACKSON BOONE  
Printed Name

State of Florida  
County of Sarasota

The foregoing instrument was before me, the undersigned notary public, this 24<sup>th</sup> day of MAY  
20 17 by JACKSON R. BOONE  
(Name of person acknowledging)

  
Notary Public

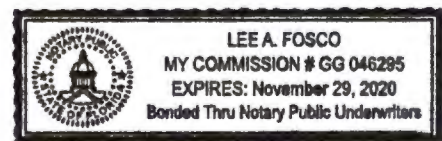
Personally known to me, or  
 Produced identification: \_\_\_\_\_  
 (Type of identification)

Notary Stamp

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**127 EAST TAMPA AVENUE  
VENICE, FL 34285  
PARCEL ID# 0407-14-0023**

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**MAY 26 2017**

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(3)

**Prepared By and Return To:**  
Theodore A. Topouzis, Esq.  
Topouzis & Associates, P.C.  
51 Jefferson Blvd, First Floor  
Warwick, RI 02888

**File No.** 2010090346

**Property Appraiser's Parcel I.D. (folio) Number(s)**

RECORDED IN OFFICIAL RECORDS  
INSTRUMENT # 2010131812 3 PGS  
2010 OCT 28 11:51 AM  
KAREN E. RUSHING  
CLERK OF THE CIRCUIT COURT  
SARASOTA COUNTY, FLORIDA  
HJAMES Receipt#1328725  
Doc Stamp-Deed: 1,785.00



**TRUSTEE'S DEED**

THIS TRUSTEE'S DEED made and executed by Tammy Vellucci, Individually and as Trustee of the Venice Trust dated 10/19/10 hereinafter called the grantor, to Bluedog Investments, LLC, a Rhode Island limited liability company whose post office address is 72 Clifford Street, Providence, RI 02903, hereinafter called the grantee:

(Wherever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives and assign of individuals, and the successors and assigns of corporations.)

WITNESSETH: That the grantor, for and in consideration of the sum of and other valuable consideration, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee, all the certain land situated in Sarasota County, Florida, viz:

As shown on Exhibit A which is attached hereto and incorporated herein by reference.

Subject to easements, restrictions, reservations, and limitations of record, if any.

TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in any wise appertaining.

TO HAVE AND TO HOLD the same in fee simple forever.

AND the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to: December 31, 2009.

Trustee's Deed (Individual)

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TRUSTEE'S DEED  
(Continued)

IN WITNESS WHEREOF, the said grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in our presence:

[Handwritten Signature]  
(Witness Signature)

Christina Williams

[Handwritten Signature]  
(Witness Signature)

Taylor Halstead

BY: [Handwritten Signature]  
Tammy Vellucci, Individually and as Trustee  
of the Venice Trust dated 10/19/10

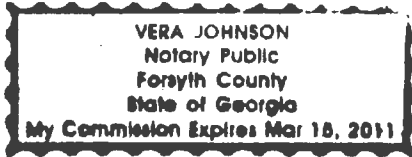
160 Willis Lane  
(Address) Alpharetta, GA 30009

(Address)

STATE OF GA  
COUNTY OF FULTON

On the 19<sup>th</sup> day of OCTOBER, 2010, personally appeared before me, Tammy Vellucci, Individually and as Trustee of the Venice Trust dated 10/19/10 Trustees the signer(s) of the within instrument, who duly acknowledged to me that they executed the same.

[Handwritten Signature]  
Notary Public



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MAY 26 2017

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**TRUSTEE'S DEED**  
(Continued)

*Parcel 0407140023*

**EXHIBIT A**

COMMENCE AT THE SOUTHWEST CORNER OF BLOCK 68, GULF VIEW SECTION OF VENICE, AS RECORDED IN PLAT BOOK 2, PAGES 77 AND 77A, OF THE PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA, AND RUN EAST ON THE NORTH LINE OF TAMPA AVENUE 200 FEET TO THE POINT OF BEGINNING; THENCE RUN NORTH AND PARALLEL TO THE EAST LINE OF SAID BLOCK 68, 200 FEET; THENCE EAST AND PARALLEL TO THE NORTH LINE OF TAMPA AVENUE, 115 FEET; THENCE SOUTH 200 FEET TO THE NORTH LINE OF TAMPA AVENUE; THENCE WEST ON THE NORTH LINE OF TAMPA AVENUE, 155.0 FEET TO THE POINT OF BEGINNING. LANDS LYING AND BEING IN THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 AND IN THE SOUTHEAST 1/4 OF NORTHWEST 1/4 OF SECTION 7, TOWNSHIP 39 SOUTH, RANGE 19 EAST.

Grantor warrants that at the time of this conveyance, the subject property is not the Grantor's homestead within the meaning set forth in the constitution of the state of Florida, nor is it contiguous to or a part of homestead property. Grantor's residence and homestead address is:

160 Willis Lane, Alpharetta GA 30009

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