

IN THE CIRCUIT COURT OF THE FIRST JUDICIAL CIRCUIT
IN AND FOR ESCAMBIA COUNTY, FLORIDA

DON L. PARO, JR., as Trustee of the
GALE E. PARO TRUST, and OLDE
CITY DEVELOPERS, LLC,

Plaintiffs,

vs.

CASE NO.: 2016 CA 000905
DIVISION: N

THE CITY OF PENSACOLA,
FLORIDA; and BILL WEEKS, in
his official capacity as INSPECTION
SERVICES ADMINISTRATOR OF
THE CITY OF PENSACOLA,
FLORIDA,

Defendants.

ANSWER OF DEFENDANTS

Defendants City of Pensacola and Bill Weeks, in his official capacity as Inspection Services Administrator, hereby answer the Petition for Declaratory Judgment and Injunctive Relief and state as follows:

JURISDICTION AND VENUE

1. Admitted for jurisdictional purposes only.
2. Admitted for jurisdictional purposes only.
3. Admitted for jurisdictional purposes only.
4. Denied as without knowledge.
5. Denied as without knowledge.
6. Admitted.
7. Admitted.

FACTUAL BACKGROUND

8. Admitted that Section 12-13-3 (Exhibit A) is an accurate portion of the City Code.

9. The language of the City Code speaks for itself.

10. The language of the City Code speaks for itself.

11. Admitted that on February 26, 2016, Plaintiffs delivered plans to the office of the ARB. Admitted that the application complied with all applicable submission requirements, in the opinion of the ARB staff. Admitted that the submission included proposed demolition of the existing structure and included renderings for residential development.

12. Denied.

13. The first sentence of paragraph 13 is admitted. Admitted on March 17, 2106, the ARB tabled the matter until its next meeting and the remainder of the sentence is denied.

14. Admitted.

15. Admitted as to the first sentence. Denied as to the second sentence. Admitted in the third sentence the decision was tabled for an additional 60 days and the rest of the sentence is denied. The last sentence is admitted.

16. Admitted in April 2016, Plaintiffs submitted a request for a demolition permit. Second sentence is denied absent attaching a copy of the statement to the complaint.

17. Denied.

18. Denied.

19. Admitted that the City Attorney directed the Building Official to issue a demolition permit, and the Building Official did so.

20. Admitted that Elizabeth Schrey initially attempted to file an appeal but later withdrew it. Another individual is attempting to maintain an appeal in the place of Ms. Schrey and the appeal is scheduled to be presented to the Zoning Board of Adjustment on June 15, 2016. Admitted further that the demolition permit has been stayed pending this appeal.

21. Denied as unknown.

22. Denied as without knowledge.

23. Admitted.

24. Denied as without knowledge.

25. Denied as without knowledge.

26. Denied as without knowledge.

27. Denied as without knowledge.

COUNT 1: DECLARATORY RELIEF

28. No response required.

29. Admitted for jurisdictional purposes only.

30. Admitted that Plaintiffs are interested parties, affected by the outcome of this litigation.

31. Admitted that the Plaintiffs have properly asserted the court's jurisdiction to entertain a declaratory judgment action.

32. Admitted.

33. Denied as without knowledge.

34. Admitted that the Plaintiffs seek a declaration of their rights under Section 13-13-3 of the Pensacola Code of Ordinances.

35. Denied.

36. Admitted that Plaintiffs seek relief from this Court.

37. Admitted that Plaintiffs seek relief from this Court.

COUNT II: INJUNCTIVE RELIEF

38. No response required.

39. Denied as argument to the Court.

40. Denied as without knowledge.

41. Denied as without knowledge.

42. Denied as without knowledge.

43. Admitted that Plaintiffs are requesting appropriate relief from this Court.

* * * * *

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing document has been furnished by eservice to Benjamin L. Alexander, Esquire, Liberis Law Firm, 212 W. Intendencia Street, Pensacola, Florida 32502 on this the 23rd day of June, 2016.

/s Lysia H. Bowling
City Attorney
Florida Bar No. 0740721
P.O. Box 12910
Pensacola, Florida 32521
(850) 435-1615
Attorney for Defendant, City of Pensacola
and Defendant Bill Weeks, in his official
capacity as Inspection Services Administrator