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What to Do?
Neighbor Files Third Party Application for Historic Designation on My Home

Merrill King
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Good Afternoon,

First and foremost I want to thank Carol and Peter for inviting me and allowing me to share an experience that I never saw coming. Carol, I thank you and I appreciate your timeless work for the Property Rights Foundation of America.

I struggled with how I wanted to present my wife's and my experience. Rather than standing up here telling you how bitter we became with our City and this process, I think it's better to tell how we fought back and are continuing our fight.

Back in October of 2018, a builder approached us about purchasing our property. It was an offer that made sense for us. We had owned this home for 33 years and were excited to move onto the next chapter of our lives. We signed the contract, money was moved into escrow and we began looking at other properties to move to. We must of looked at over 30 properties and we found one that we absolutely fell in love with. We made an offer and it was accepted, so we started packing and moving items into storage until we could close both on our sale and our purchase.

Then low and behold almost 3 weeks after we signed the contract with our buyer, I received a certified letter from my backyard neighbor who has never said two words to us. All that was enclosed without explanation was a local landmark status application that was filled out by her and a corporation called Allendale Terrace Neighbors United/ Issues to Action???

Ok, so what does this mean? No explanation with the application. So I called the City of St. Petersburg Division of Urban Design and Historic Preservation . . . they are in the heading of the application . . . and funny they were expecting my call. The conversation was a matter of fact and how the process works and more than likely our first hearing in front of the City's Preservation Board would be in less than 30 days.

Now what? I called everyone I could think of - mostly friends and clients - they never heard of such a thing. An architect friend said, tell them you don't want the designation! Well in St. Petersburg, Florida it doesn't work that way. So I approached an attorney friend and explained the situation. His answer to me was he doesn't practice this type of law - it was above his pay grade. But he referred me to several attorneys and we settled on a firm in Tampa to represent us.

Now the fun begins.

First - Attorney gets our hearing rescheduled. Our first conference call consisted with our attorney, city staff, representative of Preserve The Burg who happens to be an attorney, but the applicant was not present for the conference call. During this conference call the attorney for Preserve The Burg could speak on behalf of the applicant

and his group likes to work with home owners, and perhaps a compromise could be made and there may be another buyer. During this call the first hearing date was rescheduled.

Then comes the onslaught of publicity about our home. Front page Tampa Bay Times. How could the Kings be so insensitive to the history associated with this home was the feeling portrayed.

Fortunately for me, I knew the history of the home and the numerous owners and the history of Doc Webb. My wife and I were prepared to fight back. We filed a F.O.I.A. request with the City on any and all exchanges between the applicant, the Preserve the Burg group, it's officers and with the city staff regarding my wife and I and the property, in emails, voice mails, and texts, etc.

The next step. I attended other hearings of other property owners to get a feel of what to expect. We were in for it, Preserve the Burg tactics, time limits to respond, etc. 50 people with 50 prepared and rehearsed 3 minute speeches.

In preparing for the fight, I went to the County Court House and spent hours going through micro film researching deeds not only of our home but of the properties Mr. Webb owned. I also obtained census records of where he lived when he first started Webb's City. Low and behold that home still exists and where he and his first wife with there children lived for at least 10 years.

Next I researched his commercial properties and found several still existed. We put together before and after photo's "Why aren't these up for historic designation?"

Then I researched old news articles on Doc Webb. He wasn't as benevolent as he was being made out to be. He surely did not embrace the changes of civil rights. He still had segregated water fountains in his store. He sued picketers that were in front of his store. He even sued the N.A.A.C.P.

More ammo to fight with. But remember I'm only allowed 10 minutes to voice my opposition in the hearing (yielded that time to my attorney) and any speakers I could muster on my behalf were allowed 3 minutes each.

Next, get friends to send letters to the City in opposition. Not an easy task and most people I talked with couldn't understand that this type of 3rd party interfering with your property rights was allowed.

We put together an 119 page document for the City's Preservation Commission and again for City Council. Both digital and print versions were delivered well ahead of the hearing dates. Then I physically handed them out to them at the hearings, leaving nothing to chance.

After a couple of delays of our first hearing date of December 12th we are now preparing with our attorney for a March Quasi Judicial Hearing in front of the preservation board.

Before I get too far ahead of myself, remember when I said the attorney with "Preserve the Burg" may have a buyer for our property. Well my attorney asked him back in February who that may be? He said to my attorney, well I really don't feel comfortable saying this . . . But it's the applicant. Then don't you know she puts an offer in writing to my attorney for \$250,000 less then our current contract.

Now it looks like they have used a government action in bad faith!

Another dynamic of our situation. Back in August of 2018 I obtained a buildable lot letter from the building department for all 4 of our lots.

After my attorney received the written offer to purchase - We added another law firm to the mix to file a claim of tortuous interference in a contract.

Before that suit is filed and we have our 1st hearing, but my attorney sends a letter off to the City's Chairman of the Preservation Commission and the City's Attorney.

This letter was sent days before the hearing and the city attorney immediately called our attorney for a meeting prior to the hearing. Our hearing is postponed!

Now comes the city with offers of compromise, perhaps to save face. Allowing us to sell 3 of the lots to the developer and preserving the home. They were willing to grant lot line variances to accomplish this. We were somewhat agreeable and so was our buyer (glad they hung in there).

We paid for a new survey to show new lot lines, etc. We were onboard.

Now comes the hearing in April. The applicant and Preserve the Burg show a 10 minute movie about Doc Webb and a few references to his house. Then we listened to 50+ people of Preserve the Burg give their 3 minute speeches to designate all 4 lots and the house.

The city attorney fortunately advised the commission of our vested property rights by that buildable lot letter. He cautioned of possible litigation.

The commissioners vote and recommend to City Council is just for the partial designation.

Now comes more press, more social media posts, people trespassing on our property, knocking on the door, wanting tours, trying to fly drones over the house, treasure hunters wanting to come on the property with metal detectors, a woman even sets up a chair and sits in our front yard for over 3 hours while we were at the office. A neighbor shot her photo! Just more hate directed our way!

It's the evening before the City Council Hearing and I get a call from our attorney that there is now an issue. The city staff wants to include the 240 foot wall/fence in front of our home and lots as historic. Never mentioned before. I could see this as a way to prevent the developer from getting their equipment in to do any demo of the other Structures and construction. We said absolutely not. We are now against any designation period. It's all or nothing.

That next day our hearing before City Council went 6 hours. I had speakers lined up who were also victims of 3rd party designations or were trapped in a newly formed historic district (that's a whole other speech!)

We had speakers attack this the same way the preservationist did. Each of their 3 minutes were on separate dynamics of our case . . .

- Owners of the property
- Properties Mr. Webb owned
- Architectural insignificance of the property
- Articles on Doc Webb and his racism, including a photo of him on stage shortly after the picket issue, with men dressed in "black face"
- I shared copies of the book again with City Council, some acted like it was the first time they had seen it
- Shared emails from my F.O.I.A. requests between the applicant and city staff, where she gets her children to intern in the preservation department and the staff members says she'd like to put them on the Allendale project . . . Guess I was the project!

- Last of our 3 minute speakers was my wife Karen. She ended her speech staring at the applicant and the Preservationists saying

“There’s a fine line between wanting preservation and tortuous interference in a contract and Anne Dowling (the applicant) and Preserve the Burg crossed that line”

The City Council vote was 4 to 2 defeating the Historic Designation.

I thank you for your time in listening to my story. Any advice I could give is to know what you own or are buying. Pay attention to any rumblings of proposed Historic Districts or 3rd party application. Volunteer to help those who find themselves in these battles. I surely appreciate those who helped me and I am devoted to returning the favor!

Thank You Again