

*Wellen Park, LLLP v. West Villagers for Responsible Government, Inc.*, No. 2020-CA-3838-SC, 2021 WL 277433 (Fla. Cir. Ct. Jan. 25, 2021)

**Florida Circuit Court Rules That Developers Are Not Entitled to an Injunction to Stop City's Statutorily-Enabled Contraction Process**

Several property developers ("Developers") invested significant sums of money into the development and improvement of an area known as Wellen Park. Wellen Park is located within the City of North Port (the "City"), which is within Sarasota County's (the "County") Urban Service Area. In 2020, local City residents submitted a contraction petition, pursuant to section 171.052, Florida Statutes, requesting that the City begin the process to remove several areas from the City, including Wellen Park. The County confirmed that the petition met the required number of votes to begin the contraction process.

In response to the contraction petition and ongoing contraction process, the Developers filed a lawsuit seeking, among other counts, a temporary injunction halting the contraction process because of the Developers' "vested rights relating to development of the Annexed Area." Specifically, the Developers noted that being removed from the City's jurisdiction would place the ongoing developments in Wellen Park in the County's jurisdiction, which does not have a comparable "Village Index Map like the City." Additionally, the Developers noted that the ongoing contraction process created significant uncertainty for pending and future developments, adversely affecting the Developers' property interests.

The trial court denied the Developers' request for a temporary injunction. In its ruling, the court reasoned that (1) the Developers had not shown a substantial likelihood of success on the merits and (2) halting the contraction process would not serve a public interest. The court reasoned that the Developers were aware of section 171.052 when they purchased the properties and that this statute existed long before the Developers acquired the properties. The court also stated that the purpose of an injunction was to maintain the status quo while the merits of the case are argued. In this case, the court concluded that granting a temporary injunction would not maintain the status quo, but instead change the status quo by halting a statutorily authorized process.