

**CONFEDERATE CROSSING**  
**NOISE ZONES**

Before April, 2007, Confederate Crossing was not in the 60 decibel zone and was not required by ordinance to advise buyers of property within that zone that this property was in an "airport notice zone" at the time they sold their property. After passage of Ordinance 2006-1225-E, amended, Chapter 656, Part 10, in April, 2007, owners in the 60 to 65 decibel noise zone are required to provide any prospective buyer or lessee with a written "Airport Notice Zone Acknowledgment" prior to the purchase and sale agreement or lease being executed. Thus, buyers must acknowledge receipt of the Notice and the Notice and Acknowledgment must then be recorded at the time the deed or lease is recorded. The Ordinance provides that no building permit may be issued without an executed Acknowledgment form of record.

The Acknowledgment form currently being proposed by the City is attached. It states the persons on your property "maybe exposed to significant noise levels and/or accident potentials or may be subject to special lighting regulations." It also acknowledges that changes may occur in flight paths, expansion, additional runways, reconfiguration of runways, and types of aircraft using the air field.

It has been suggested by some professionals hired by the Airport Authority in another matter that this new notice requirement reduces the value of property by at least 4%.

The Bert Harris Act, a statute enacted in 1995 by the Florida Legislature to protect private property owners, may provide a remedy for this loss. This Statute however is complicated. It requires strict notice, administrative procedures and the right to file suit in the event the property owner is unsatisfied with the administrative outcome of the claim.

Attorneys fees and expert costs (appraisal charges) maybe awarded by the court in whole or in part to the prevailing party. In the event no fees or costs are awarded, the attorneys fees and costs are payable by the owner either as incurred or taken from the amount awarded or agreed to in settlement. We are considering bringing a consolidated claim which would benefit all of the property owners. Attorneys fees awarded by the court in a consolidated case would be allocated to the individual property owners and deducted from their charges for attorneys fees and costs. No decision has been made to date, however, a modified contingency attorneys fee plan is likely the fairest method, in which the property owner pays a portion of the costs and the attorney pays the remainder of the costs and receives a percentage of the recovery less any amount awarded by the court or allocated from the common fund.

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