

# BLISS

A NEWSLETTER FOR RESIDENTS  
OF THE DON CESAR PLACE  
NEIGHBORHOOD



VISIT [WWW.DCPOC.ORG](http://WWW.DCPOC.ORG)

## /// IN THIS ISSUE

Meet the Recording Secretary  
Legal Update

## PROTECTING OUR MOST VALUABLE ASSET

The Don Ce-Sar Property Owner's Corporation's ("DCPOC") purpose is to preserve and enhance the character of the community located within the subdivision known as Don CeSar Place, including without limitation, Blocks M and N, as private property subject to the exclusive use and enjoyment by property owners of the subdivision as consistent with the plat, to foster the well-being of the residents of the community, and to assist and cooperate with the City of St. Pete Beach, when consistent with the foregoing purposes.

DCPOC intends to continue to work hard to preserve our beautiful beach-front property and protect this asset for the benefit of the residents of our community, including establishing rules and regulations for Blocks M and N, erecting signage and physical barriers and defending the lawsuit filed by Hotel Zamora.

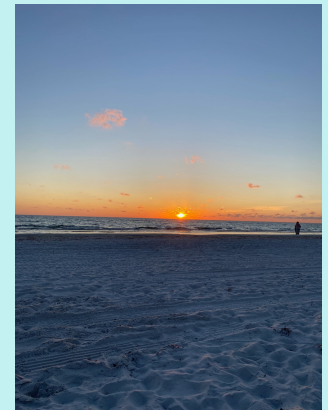
### Blocks M and N: Proposed Rules and Regulations

#### Background

In March 2022, the Don Ce-Sar Property Owners Corporation (DCPOC) acquired title to Blocks M and N as depicted on the plat of Don Ce-Sar Place.

These two blocks fronting the Gulf of Mexico, lying respectively North and South of the Don Cesar Hotel, extend from the mean high-water mark of the Gulf of Mexico easterly to the western boundary lines of the adjacent platted lots, a line lying approximately one foot east of the existing sidewalk.

Included within the two blocks are areas of both dry white sand and vegetation commonly referred to as the "dunes."



## **Blocks M and N: Proposed Rules and Regulations (continued)**

As the owner of Blocks M and N, DCPOC is vested with certain rights which have been codified in a Florida statute commonly referred to as Private Property Rights or Property Owner's Bill of Rights among which are the right to possess and protect its property and the right to exclude others from the property. The foregoing rights, however, are subject and subordinate to certain rights granted in the plat of Don CeSar Place to all owners of property within the subdivision, namely, the right to use all of the two blocks for "beach and bathing purposes."

In this context, the current DCPOC Board elected by its Members has been focusing on establishing rules that not only protect, preserve and beautify the property it owns but also rules and regulations which are designed to preserve, protect and maximize the right of all property owners to enjoy and use the two blocks for beach and bathing purposes.

It should be noted at this point that when someone purchases property within the Don CeSar neighborhood, the property owner does not acquire any legal interest in Blocks M and N. The only right acquired by that property owner is that provided in the plat of the subdivision as noted above. Nothing more and nothing less.

However, because every property owner automatically becomes a member of DCPOC and is vested with the right to determine collectively and from time to time the composition of the elected Board, every property owner indirectly controls the policies, rules and regulations adopted by DCPOC. It is recognized that likely not all members will agree to the propriety of all rules and regulations adopted from time to time by any Board. However, until modified or deleted, each of the rules is enforceable and must be followed.

Additionally, all of Blocks M and N are also subject to certain rules and regulations lawfully adopted by the City of St. Pete Beach Furthermore, that portion of Blocks M and N lying seaward of the "Coastal Construction Line" (CCL) are subject to certain rules and regulations lawfully adopted by Florida's Department of Environmental Protection. Such rules are noted below.

### **Caveat:**

The dune system of our beach is the first line of defense against storms because the system acts as a buffer between the storm waves and our homes. During storms, the waves encounter the beach and its dune system prior to reaching the upland properties thereby absorbing wave energy and reducing the damage to upland structures that would otherwise be suffered.

The Board considers that, among DCPOC's solemn obligations, is its duty to preserve, protect and enhance the dune system and to minimize any compromise of its benefits to all of us. Every footpath, whether enhanced or embellished, reduces the efficacy of this buffer.

In this light, the current Board envisions the day when DCPOC has the wherewithal to construct strategically located footbridges over the dunes for use by its members when accessing the dry white sands of Blocks M and N. When this occurs, the current Board's visionary plan is to cause all EXISTING pathways through the dunes to be eliminated and all structures (pavers, concrete walkways, boardwalks, steppingstones, etc.) to be removed, all at DCPOC's expense, and to renourish the vegetation in those areas.

Thus, nothing in these proposed rules and regulations is to be interpreted in a manner that would operate in any way as an impediment to this vision or to restrict the right of DCPOC to amend, delete or modify any rule or regulation it may have adopted.

**The Board invites the members to offer any comment and suggestion they would like the Board to consider during its deliberations. Any comments should be emailed to a member of the DCPOC Board of Directors no later than August 30, 2023.**

### **The Proposed Rules and Regulations**

#### **By virtue of Florida Department of Environmental Protection**

- 1. All persons are required to stay within the established pathways through the dunes when accessing the dry white sands of the two Blocks or the Gulf of Mexico.**
- 2. Property Owners may not disturb or tamper with beach or dune vegetation, cause damage to a dune, or conduct any activity intended to improve or enhance a dune without obtaining the necessary permits from the Florida Department of Environmental Protection, the City of St Pete Beach, and DCPOC. The DCPOC may remove anything placed in the dunes.**

#### **By virtue of City of St Pete Beach Ordinances**

- 1. All articles, such as chairs, tables, umbrellas, toys, towels, trash, etc., may not remain overnight on the two Blocks. All such articles must be removed from the two Blocks.**
- 2. Absent the specific written authorization of DCPOC, no new foot pathways through the dunes to the dry white sands of the two Blocks may be created by any person.**
- 3. Absent the specific written authorization of DCPOC, no person, including a property owner, may offer on the two Blocks any service to be performed thereon.**
- 4. Excepting emergency, law enforcement vehicles, and City vehicles responding to an emergency or performing their normal duties, no motorized vehicles are allowed on the two Blocks.**
- 5. Excepting lawfully recognized service animals, no pets are allowed on the two Blocks.**
- 6. Fireworks are not allowed either on or projected over the airspace of the two Blocks.**
- 7. Fires are not allowed on the two Blocks.**

#### **By DCPOC**

- 1. Absent the specific written authorization of DCPOC, no person, including a property owner, may offer on the two Blocks anything for sale, rent, or trade.**
- 2. Absent the specific written authorization of DCPOC, no soliciting or canvassing may occur on the two Blocks.**
- 3. No structure of any kind shall be erected or placed on the two Blocks.**
- 4. Until otherwise provided by DCPOC, all enhanced or embellished foot pathways in existence at the time of the adoption by DCPOC of these rules may be maintained by any member but only in substantially the same form and/or condition and within the confines of the location existing at the time of the adoption of these rules unless authorized in writing otherwise by DCPOC.**
- 5. No person may alter, damage, or remove any structure, fence, gate, or landscape established or authorized on the two Blocks by DCPOC.**
- 6. All members, and particularly those members owning property adjacent to Blocks M and N, are encouraged to maintain the existing sidewalk running north and south along the eastern boundary lines of Blocks M and N free of debris, trash, overgrowth, and/or of any hazardous condition.**
- 7. Absent the specific written authorization otherwise by DCPOC, no pruning of any vegetation shall be permitted. Excepting agave plants, sandspurs and other harmful invasive vegetation, nothing herein shall be construed to authorize the total removal of any vegetation within the described thirty feet.**
- 8. Absent the specific written authorization of DCPOC, no wedding or other organized public activity or event may occur anywhere on the two Blocks.**
- 9. All property owners are responsible for the conduct and actions of their tenants using the two Blocks for any purpose and for ensuring compliance with these rules and regulations.**
- 10. The Board requires that the owner of a rented or leased property within Don CeSar Place provide his or her tenant or lessee with a copy of these rules.**
- 11. Any property owner who authorizes or invites a tenant or lessee to use any portion of the two Blocks shall have agreed to fully defend, indemnify, and hold DCPOC harmless from all claims arising in any way whatsoever out of the foregoing authorization or invitation.**

## LEGAL NEWS

As previously reported, on March 31, 2023, St. Pete Beach Hospitality, LLC, the new owners of the Hotel Zamora, filed a Complaint for Declaratory Judgment, seeking, among other things, a declaration that its hotel guests have the right and ability to use and access Blocks M and N as all other property owners in the subdivision regardless of the commercial/hotel operations of the Hotel Zamora.

On May 15, 2023, DCPOC filed its Answer, Affirmative Defenses, and Counterclaim against St. Pete Beach Hospitality, LLC, and intends to vigorously pursue a declaration from the court that the Hotel Zamora's guests do not have the same rights to access and use our private neighborhood beach. Defense of this litigation is necessary not just to clarify the rights of St. Pete Beach Hospitality, LLC in its operation of the Hotel Zamora, but also to more broadly ensure that our private beach is preserved from other such overburdensome use. More details can be found in the publicly filed documentation (See Pinellas County Civil Court Case No.: 23-006426-CI).

If you have any documentation or knowledge that may be helpful to DCPOC's efforts, please reach out to a member of the DCPOC Board of Directors.

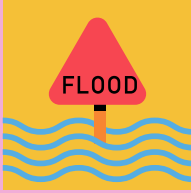
## RAISING THE SAIL AGAIN

During 2020 and 2021, Don CeSar Place residents contributed significant funds to support the legal effort for DCPOC to gain Title to Blocks M and N. These generous donations helped pave the path to protecting one of our most valuable assets. Should the Zamora case go to trial, legal fees are expected to reach or exceed \$100,000 and the cost to install fences and gates along the beach access points and maintain them for three years are expected to reach \$96,600. Though membership dues effectively cover annual administrative and management costs of the organization, we need to call upon our members to contribute towards higher cost items. Therefore, we are reigniting our campaign to raise funds to continue to protect our beautiful beach. So far, residents have donated and/or pledged \$55,449 towards this cause. All members are urged to contribute in any way possible.

Checks can be mailed to DCPOC, P.O. Box 67015, St Petersburg, FL 33736 or via credit card by scanning the QR code.



# FLOODING COMMITTEE UPDATE



## WHAT TO DO ABOUT WATER?

THERE HAVE BEEN MANY FRUSTRATIONS AND DISCUSSIONS ABOUT FLOODING IN THE NEIGHBORHOOD DUE TO BOTH TIDAL FLOW AND STORMWATER. A COUPLE OF PROJECTS AND STUDIES ARE ON THE WAY TO GET TO LESS TALK AND MORE ACTION.

### Don Cesar Neighborhood Water Threats Adaptation Multiple Stormwater Pump Station Concept Study

A Sea Level Rise Adaptation Alternatives Study for the Don CeSar Neighborhood was completed by Halff Associates in September 2020. The study researched the impacts of water threats and sea level rise on the neighborhood assuming the entire privately owned sea wall perimeter around the Maritana Avenues was constructed to elevation 5' NAVD 88. The general recommendation was to install a seawall to prevent bay tidal and sea level rise threats from flooding the neighborhood, redesign the street profiles to flow rainwater to Lazarillo Park, redesign Lazarillo Park as a storage basin to receive rainfall and construct pump stations to evacuate the rainwater. This study will evaluate retaining the seawall elevation assumption, replacing manufactured seawalls with living shoreline seawalls and redirecting the pump station positioning to existing stormwater evacuation structures on the Maritana Avenues leaving Lazarillo Park undisturbed.

The budget is \$74,187.34 with an expected completion date of November 2023.

The tasks included in the scope of work:

1. Kick-off Meeting and Visit
2. Develop an Exhibit Identifying Seawall Ownership-City/Private
3. Environmental Review
4. Develop Adaptation Concept Plan
5. Develop Opinion of Probable Construction Cost (OPCC)
6. Develop Summary Report
7. Attend Project Coordination and Public Meetings

This study was approved at Commission Meeting on May 23, 2023.

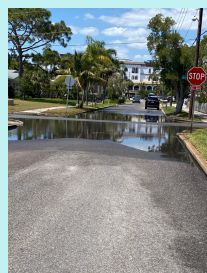
### St. Pete Beach Living Shoreline Design & Permitting

The Tampa Bay Estuary Program and Restore America's Estuaries informed Ecosphere Restoration Institute's proposal to the 2023 Tampa Bay Environmental Restoration Fund entitled St. Pete Beach Living Shoreline Design & Permitting has been awarded for \$39,000.00. This project will be managed by the Tampa Bay Estuary Program. As part of the process, a local match funding commitment is required. There was a request for the City of St Pete Beach's commitment to meet the local match fund requirements for this grant.

Project Summary: The City of St. Pete Beach, Ecosphere Restoration Institute (ERI), and Don Ce-Sar Property Owners Corporation will produce signed and sealed engineering design plans to enhance and protect up to 5,000 linear feet of existing seawalls into living shorelines in the Don CeSar Subdivision in St. Pete Beach, Florida. These future proposed improvements will occur on City-owned property as well as private property. Ecosphere Restoration Institute plans on giving a presentation on living shorelines to increase understanding of the services provided by these habitats and to inform the residents that design plans are being made available for free. A guidance document that illustrates the steps necessary to implement these shoreline improvements on private waterfront areas will be produced. This funding phase will encompass sealed engineering design plans.

Total Project Cost: \$ 84,000  
Requested Grant Share (46%): \$ 39,000  
Local Match Commitment (54%): \$ 45,000  
ERI and St Pete Beach

This match was approved at the Commission Meeting on June 26, 2023.



# Fun Committee

We are excited to announce that a date has been set for the 2nd Annual Don CeSar Place Halloween Pet Parade. Mark your calendars for Saturday, October 28th! Join your neighbors for a super-cute pet parade, food, drinks and tons of fun. Like last year, there will be prizes for the best costumes.

Volunteers needed! If you are interested in volunteering your time for this fun community event, please reach out to Fun Committee Members Janice & Randy Will, Carolyn Zaleski or Becky Purple ([correspondingsecretary@dcpoc.org](mailto:correspondingsecretary@dcpoc.org)).



## DCPOC CALENDAR

- General Membership Meeting – Wednesday, August 9, 2023, 6:00pm at Don Vista Building
- 2nd Annual Don CeSar Place Halloween Pet Parade – Saturday, October 28, 2023, 9:00am at Lazarillo Park
- General Membership Meeting – Wednesday, November 8, 2023, 6:00pm at Don Vista Building
- Annual Membership Meeting – Tuesday, February 13, 2024, 6:00pm at Don Vista Building

## AROUND TOWN

- Dive-In Movie – Friday, August 4, 2023, 8:00-9:30pm, Swimming Pool, St Pete Beach Community Center, 7581 Boca Ciega Drive, St Pete Beach

## 2023 MEMBERSHIP DUES

As a reminder, all property owners within the Don CeSar Place subdivision are automatically Members of the Don Ce-Sar Property Owners Corporation. Payment of annual membership dues grants residents the right to vote in DCPOC elections and on important topics brought to a general vote. 2023 annual membership dues are \$40 per residence. As a reminder, annual membership dues are waived for residents over 85 years of age.

How to pay the membership dues?  
There are two easy ways to do so:

1. To pay by mail, make a check payable to DCPOC and mail it to DCPOC, P.O. Box 67015, St Petersburg, FL 33736; or
2. To pay in person (cash or check), reach out to Becky Purple or other board members (see contacts below) and they will be happy to pick it up from you.

To pay online  
(<https://doncesarproperty.fnpcares.com/give>)



## MEET OUR NEW RECORDING SECRETARY, Mary Beattie

Raised in Boston and Washington, D.C., Mary moved to Minneapolis when she married her husband, John, of 44 years whom she met in Washington, D.C. She has extensive experience in various government agencies and served on the staff of several United State Senators. Mary is a Global Real Estate Advisor with Premier Sotheby's International Realty, a member of the Pinellas REALTOR® Organization and the Minneapolis Area Association of REALTORS®. She also serves on the Board of the St. Petersburg Women's Club. John is an attorney who practices with the Minneapolis firm of Messerli Kramer concentrating in the areas of commercial real estate and corporate transactions.

They have three adult children and two grandchildren. About 30 years ago they started visiting St. Pete Beach on vacation and returned often through the years for an escape from wintry Minnesota. Their youngest child, Kyle, chose to attend Eckerd College where he met his future wife, Claudia. They often visit "Nana and Umpa's" house on the weekends. Mary and John purchased their home on Casablanca Avenue in 2016 and deeply appreciate and enjoy the unique Don CeSar Place neighborhood they now call home.

Mary enjoys spending her free time with her husband, their children, grandchildren and her large extended family. She loves entertaining her friends and family, taking walks on the beach and playing golf. An interior design aficionado, she also is an admirer of Florida architecture, especially Spanish and Mid-Century Modern.



## TURTLE SEASON



Fill in any holes on the beach.

Use turtle lights on buildings/homes on beach.

Pull down shades at night in lit rooms facing beach.

Stay out of the way of any sea turtle.

Leave **ONLY** your footprints!



Neighborhood resident. Unrivaled expertise. *Nothing Compares.*



Mary Beattie

612.220.1590

Mary.Beattie@PremierSIR.com

MaryBeattie.PremierSothebysRealty.com

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Each office is independently owned and operated.

**Get your swag on! DCPOC umbrellas, water bottles and tumblers are available for purchase.**

**Don Ce-Sar Property  
Owners Corporation  
P.O. Box 67015  
St Petersburg, FL 33736**



Not receiving DCPOC emails? Contact a member of the Board to update your profile information.

## Contact the DCPOC Board:

Betty Rzewnicki	president@dcpoc.org
Kevin Hughes	1stvp@dcpoc.org
Ken Folsom	2ndvp@dcpoc.org
Ed Chima	3rdvp@dcpoc.org
Mike Savage	treasurer@dcpoc.org
Mart Beattie	recordigsecretary@dcpoc.org
Becky Purple	correspondingsecretary@dcpoc.org



## A NEWSLETTER FOR RESIDENTS OF THE DON CESAR PLACE NEIGHBORHOOD

Visit [www.dcpoc.org](http://www.dcpoc.org) for important updates

**Special thanks to Mary Beattie for sponsoring this edition of Bliss!**



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