

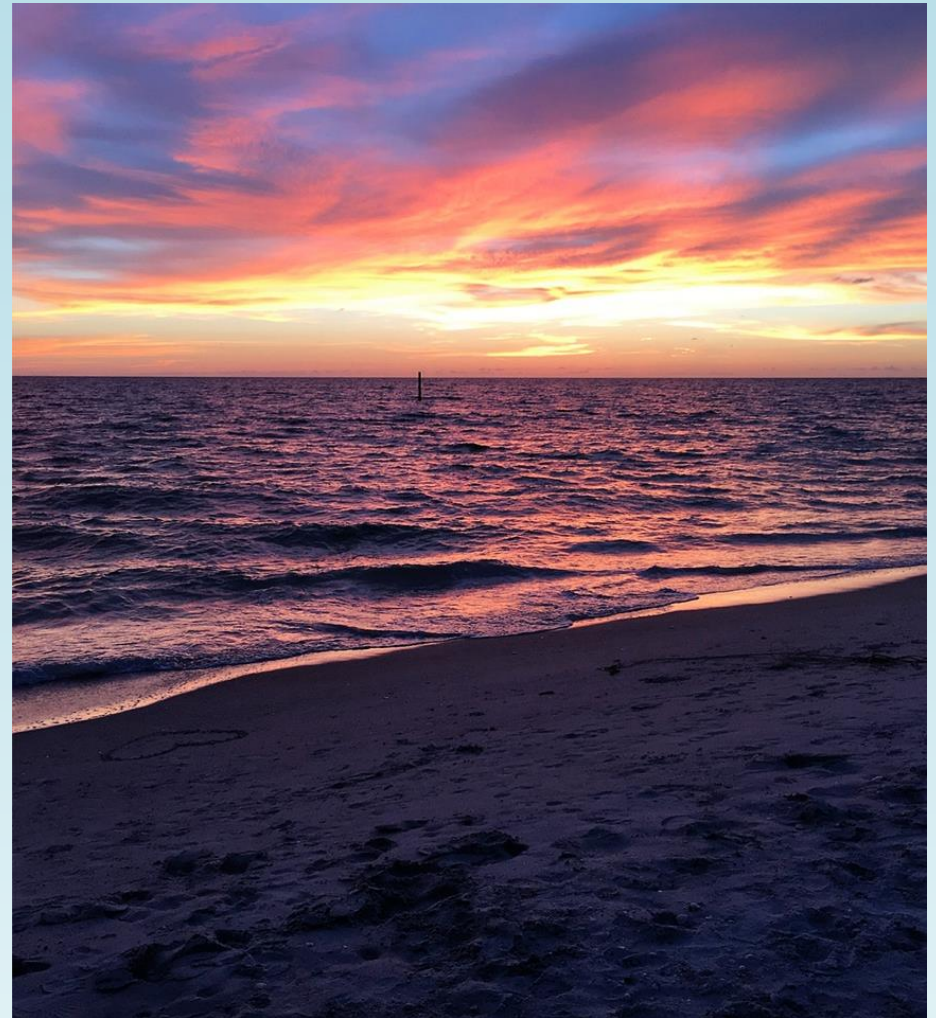


# DCPOC General Meeting

August 9, 2023

# Agenda

- Call to Order
- Welcome
- Block M and N Rules/Regulations
- Litigation
  - Raise the Sail
- Announcements / Closing



# St Pete Beach Updates



# Block M and N Rules/Regulations





# Rules For M and N Discussion

## **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.**
  
- 1. 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**

- 3. 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.**
  
- 3. 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.**
  
- 3. 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.**

**By virtue of City of St Pete Beach Ordinances....continued**

- 7. Excepting lawfully recognized service animals, no pets are allowed on the two Blocks.**
  
- 7. 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**

- 10. 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.**
  
- 10. Absent the specific written authorization of DCPOC, no soliciting or canvassing may occur on the two Blocks.**
  
- 10. No structure of any kind shall be erected or placed on the two Blocks.**
  
- 10. 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.**



**By DCPOC.....continued**

- 14. No person may alter, damage, or remove any structure, fence, gate, or landscape established or authorized on the two Blocks by DCPOC.**
  
- 14. 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.**
  
- 14. 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.**

**By DCPOC.....continued**

- 17. Absent the specific written authorization of DCPOC, no wedding or other organized public activity or event may occur anywhere on the two Blocks.**
- 17. 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.**
- 17. 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.**
- 17. Property owners are responsible for their authorized tenants or lessees use of the Blocks and compliance of these Rules and Regulations. DCPOC may seek indemnification and/or reimbursement from the relevant property owner for defense of any claims arising in any way whatsoever from the property owner's authorization of a tenant's or lessee's use of the Blocks.**

# Litigation

## **Our Most Valuable Asset**

One unique feature of our neighborhood is that the developer set aside two sections of land (known as Blocks M and N) so that we would have private beach access for the exclusive use of our neighborhood residents for beach and bathing purposes.

## **Protecting Blocks M and N**

DCPOC has consistently taken action to protect our most valuable asset including, but not limited to, obtaining Title, procuring general liability insurance, signing Access Agreements with the City and Don Cesar Hotel, and forming the M&N Stewardship Committee.

## **Zamora Litigation**

- On April 10, 2023, DCPOC was served with a Summons and Complaint for a lawsuit in which St. Pete Beach Hospitality LLC, the new owner of Hotel Zamora (“Zamora”), filed a suit against DCPOC seeking a determination of rights and privileges held by the parties over real property, specifically beach lots M and N.
- The Complaint was filed in Pinellas County Civil Court, case number **23-006426-CI**. See <https://ccmspa.pinellascounty.org/PublicAccess/Search.aspx>
- DCPOC has retained Allison Doucette and Ethan Loeb of Bartlett Loeb Hinds and Thompson PLLC to represent DCPOC in the case. We intend to fight to preserve what is rightfully ours.

*In order to protect and maintain attorney/client privilege, the DCPOC Board is not permitted to discuss certain aspects of the case or case strategy. However, members will be advised of important case updates as they become publicly available.*

# Litigation

## **Zamora Litigation, cont'd**

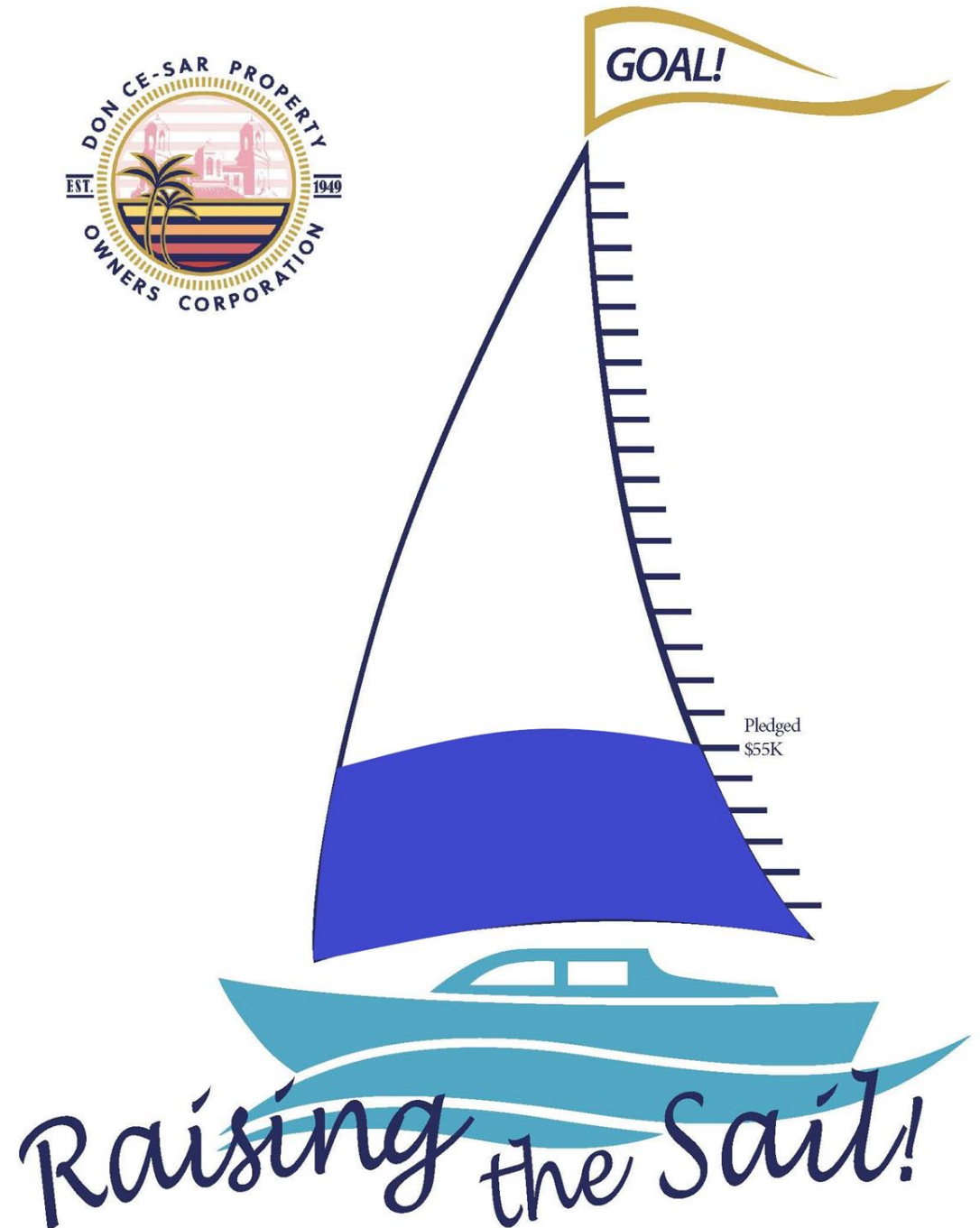
- On May 15, 2023, DCPOC filed our Answer, Affirmative Defenses and Counterclaim
- On June 2, 2023, DCPOC filed our Request for Production of Documents to St. Pete Beach Hospitality LLC, responses are due by Friday, August 11th
- On June 5, 2023, St. Pete Beach Hospitality LLC filed their Answer and Affirmative Defenses
- On July 28, 2023, St. Pete Beach Hospitality LLC filed their Request for Production of Documents to DCPOC, DCPOC has 30 days to respond

*In order to protect and maintain attorney/client privilege, the DCPOC Board is not permitted to discuss certain aspects of the case or case strategy. However, members will be advised of important case updates as they become publicly available.*

# Raise the Sail Again!

- Protection of Blocks M and N
- Funds will be used for litigation costs and/or the erection of physical barriers or other means of protection

***Please HELP raise the sail to protect our precious asset!***





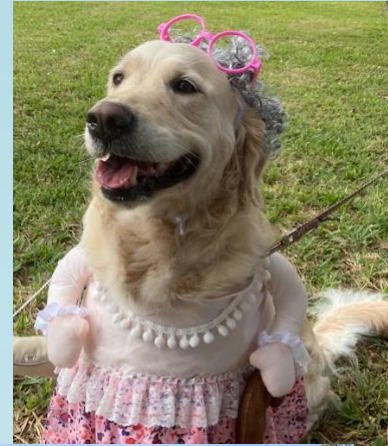
SAVE THE DATE

# Second Annual Halloween Pet Parade

Saturday, October 28, 2023

Lazarillo Park

Stay tuned for more details!





Thank You for Attending  
and Supporting Your  
Neighbors