

April 30th, 2023

**An Open Letter From Residents of Pine Lakes and Lake
Fairways Country Clubs.
Our Manufactured Home Communities include nearly
2000 Manufactured Homes**

To the Honorable:

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Residents of Pine Lakes Country Club (PLCC), and Lake Fairways Country Club (LFCC), Manufactured Home Communities, ask all for a written answer from each of our Lee County Elected Representatives above questions **under the following heading.**

WHO OWNS PINE LAKES BLVD / CIRCLE PINE ROAD IN LEE COUNTY???

In the most current Insufficient letter from Lee County Planning and Development to Equity Lifestyles Properties / Kimley Horn, Dated April 17th, 2023, on Page 6, which questions were from the following.

DEPARTMENT OF COMMUNITY DEVELOPMENT
Development Services Section

Electronically Signed
on 4/17/2023 by
John Mahlbacher,
Dev Svcs Plan
Reviewer

Lee County Department of Community Development

Questions 14 in this insufficiency letter read as follows:

- 14 Please provide evidence, that the access road(s), Circle Pine Road and Pine Lakes Boulevard, is constructed or improved to meet County standards, or improve to meet County standards.
- Please provide evidence of the existing active entity or a proposed entity responsible for the continual maintenance of the non-County maintained road, Circle Pine Road and Pine Lakes Boulevard, and provide a draft Privately Maintained Road Operation and Maintenance Covenant for sufficiency review by the County Attorney's Office. Staff can provide templates and sample privately maintained road operation and maintenance covenant upon request.
- Please provide evidence of the legal right to access the development via the non-County maintained road, Circle Pine Road, from the development to a County maintained road for sufficiency review by the County Attorney's Office and identify exactly where in the documents (what document, what page, what section, what language) fulfills the requirements.

Beginning with Lee County Planning, who found sufficient in October of 2021, the application for rezoning of the French property without knowing or proving the facts about private but to be used road ownership in the adjoining property of Pine Lakes Country Club, Lee County nevertheless allowed the application to move forward to a HEX hearing.

WHY IS ROAD OWNERSHIP OF PINE LAKES BLVD AND CIRCLE PINE ROAD STILL in question TODAY???

Why has this question not been answered before moving forward from the beginning???

Residents of PLCC AND LFCC question why this still current road use plan, by ELS to use roads not clearly defined in ELS's ownership, ever got to even the HEX hearing before being answered.

Honorable Commissioners: Please Refer to your Lee County Zoning Resolution Z-21-022

The 1985 Lee County Resolution ZAB 85 79, which by understanding was included in the rezoning Z-21-022 resolution, where in summary of a part of this resolution ZAB 85 97, requires that changes to the use of Pine Lakes Country Club property needs 75% percent of landowners approval for such changes. ELS does NOT own 75% of the PLCC Property.

Furthermore, your rezoning resolution Z-21-022 conveniently provided a counter for ELS, the developer to AVOID the 75% approval of changes method required ZAB 85 97, by the allowing of approval of another Lee County ADD application FROM ELS, Lee County ADD2021-00147. This seems to counter ZAB-85-97. WE, the residents of Pine Lakes wonder how our rights are circumvented by Lee County with the approved resolution for this Add Application, This application was approved by Lee County Planning and Development on 7/22/2022 but AGAIN included the following:

1. If it is determined that inaccurate or misleading information was provided to the County or if this decision does not comply with the LDC when rendered, then, at any time, the Zoning Manager may issue a modified decision that complies with the Code or revoke

the decision. If the approval is revoked, the applicant may acquire the necessary approvals by filing an application for public hearing in accordance with Chapter 34.

BUT STILL TODAY ROAD OWNERSHIP IS IN QUESTION!!!!

For some history:

- Equity Lifestyles Properties, (ELS) in February of 2021, sought to buy and change zoning of the French Property (the southern border of the French Property connected to and contiguous with Pine Lakes Country Club) to create a Manufactured Community.
- As a part of this process, it was learned that Lee County requires 2 FULL ingress and egresses to develop this property by local Lee County Code.
- During this process, It is also learned that ELS intends to combine Amenities with Pine Lakes Country Club AND THIS FRENCH PROPERTY (for which ELS also does A SEPERATE business, as a both Leased AND OWNED BY RESIDENTS Land Manufactured Home Community).
- Please be aware that our Pine Lakes Country Club community INCLUDES 263 "Estate" properties, AGAIN each of these properties owns BOTH THE HOME AND THE LAND AND PAY PROPERTY TAXES ON THE LAND THEIR HOMES ARE ON. HOWEVER, THEY HAVE HAD NO VOICE IN THE FACT THESE ROADS IN QUESTION HAVE RIGHTS TO THESE ROADS BASED ON WRITTEN PLOT BOOK LANGUAGE.
- During the rezoning process, it was discovered that the Florida Department of Transportation, (FDOT) back when Pine Lakes Country was being formed in 1985, placed a requirement that there be future access on the North Border of the property.
- BECAUSE OF THIS ENTRANCE, ELS (BY LEE COUNTY PERMISSION) WAS ABLE TO MOVE FORWARD TO HEX HEARINGS AND SUBSEQUENT REZONING HAVING "QUAILFIED" (AGAIN BY LEE COUNTY) AS HAVING AVAILABLE 2 INGRESS AND EGRESSES TO THIS FRENCH PROPERTY USING THIS FDOT REQUIRED IN 1985 ACCESS TO THIS NORTH OF PINE LAKES COUNTRY CLUB AREA.
- HOWEVER, OWNERSHIP OF THE PRIVATE ROAD, PARTICULARLY WITH THE ESTATE PROPERTIES LEADING FROM US 41 TO THIS ENTRANCE REQUIRED BY FDOT IS IN QUESTION.
- LEGAL COUNSEL BEV GRADY TESTIFIED TO THIS ISSUE AT THE REZONING HEARING Z-21-022 WHICH PASSED AND WAS ADOPTED APRIL 6TH, 2022. SHE SUBMITTED THE FOLLOWING AS EVIDENCE.

CURRENT LEE COUNTY PLOT BOOK LANGUAGE READS: As per the CURRENT Lee County Plat Book, Pine Lakes Country Club Phase III, Section 8, Township 43 South, Range 24 East, Lee County Florida. Plat Book 41 sheet 1 of 4, it reads as follows:

"Known by all these present that Pine Lakes Ventures, a Florida General Partnership, as owner of the herein described lands, has caused this plat of Pine Lakes Country Club Phase III to be made and hereby dedicated to the perpetual use of Pine Lakes Estates Homeowners Association Inc., a Florida Corporation. Pine Lakes Ventures, a Florida General Partnership, and its tenants all drives, roads, tracts, drainage, golf cart path and driveway easements

and does dedicate to the public all public utilities easements shown herein. Said easements being dedicated solely for the uses and purposes indicated. All roads shall be maintained by Pine Lakes Estates Homeowners Association Inc., a Florida Corporation. Lee County to be in no way responsible for maintenance thereof and the personal use of and right of ingress and egress over and across such roadways is hereby granted to all future lot owners in Phase III. The Grantor herein reserves to itself and its successors, assigns and grantees the right ingress and egress over and all roadways shown herein and easements are hereby granted over under and across all roadways, utility easements and drainage easements shown herein to all local State and Federal Governmental agencies and departments thereof and to all duly licensed public and private utility companies for the use in performing and discharging their respective official duties and obligations to provide utility and other governmental services”.

- Instead of Lee County questioning AND GETTING ANSWERS ABOUT the ownership of Pine Lakes Boulevard and Circle Pine Road, Lee County Zoning Commissioners moved forward with the ASSUMPTION that ELS owns and has full control of these private roads.
- ELS ALSO MADE APPLICATION FOR TWO ADDITIONAL ROADS WHICH WERE GRANTED IN JULY OF 2022 BY LEE COUNTY COMMUNITY DEVELOPMENT DIRECTOR DAVID LOVELAND.
- Again, Lee County assumed ELS owns the private roads in Pine Lakes Country Club and allowed this to be approved.
- ELS ha now submitted a Development application, DOS2023-00013
- Development Services Plan Reviewer Mr. John Mahilbacher of Lee County Department of Community Development, in his insufficient letter of April 17th, to ELS asks the following question.
- *"Please provide evidence of the legal right to access the development via the no County maintained road, Circle Pine Road, from the development to a County maintained road for sufficiency review by theCounty Attorney's Office and identify exactly where in the documents (what document, what page, what section, what language) fulfills the requirements”.*

Just as Big Business has rights, the voting residents have rights also.

As Our Elected Representatives, Please PROVIDE THE ANSWER TO THIS QUESTION:

WHO OWNS PINE LAKES BLVD / CIRCLE PINE ROAD IN LEE COUNTY???