

LETTER OF COMPLAINT

4 July 2008

TO: Planning Committee, Bayshore Beach Club
FR: Undersigned Canal-Side Property Owners
RE: Unkempt Lot—Bayshore Canals

According to the Bayshore Beachclub's C & Rs, one purpose of the C & Rs, among others, is "to preserve, as far as practicable, the natural beauty of such property; to guard against the erection thereon of poorly designed or proportioned structures and structures built of improper or unsuitable materials;...to prevent haphazard and inharmonious improvements of ...sites; and in general to provide for a high type and quality of improvement of said property, and thereby to enhance the values of investments made by purchasers of lots thereon." (Article I—General Purpose of Conditions)

It is beyond dispute that:

1. The Bayshore Beach Club, Inc. owns the canal as a designated property
2. All properties are subject to the C & Rs
3. Over many years, Bayshore's canal has been allowed to deteriorate to the point where it now does not adhere to the general conditions mandated by the C & Rs, and in fact meets the C & R definition of an unkempt lot.
4. The Bayshore Beach Club Inc. is responsible for restoring this property to its appropriate condition "to enhance the values of investments" made by all of the property owners in Bayshore.

We the undersigned, therefore demand that the Planning Committee take up this complaint immediately, and direct the Bayshore Beach Club, Inc. Board of Directors to begin taking the actions designated in Article 3, Section 3 (Unkempt Lots) to "do whatever is reasonably necessary to return and maintain the appearance of [the canal] to a condition that is clean, neat, and otherwise consistent with the high standards expected of all lots within the sub-division and, in addition, to control erosion or any other form of soil stability..."

Improper Past Action: In 2001, at the direction of Mark Neuman action was taken to replace a defective culvert at the south end of the canal system. This exacerbated the ongoing deterioration of the canal system. The culvert is improperly sized, and improperly placed (it is too high, and inappropriately angled) to allow sufficient flushing of the canal system. This was a "haphazard and inharmonious improvement" with "poorly designed or proportioned structures built of improper or unsuitable materials."

Effects: As a consequence of this action (and the interminable debates and failures to correct it subsequently), the canal system does not move enough water to prevent sediment buildup, or enough to prevent large algal masses in the summer. In addition, the northern and eastern sections of the canal are filling in with improper vegetation. Finally, the canal, in its present condition, also fails to perform its proper drainage functions for the property owners north of

Westward. All of this means that the amenity values, and the concomitant property value enhancements, that the canal should be providing are being lost.

Action Necessary Now: We interpret the C & R language “to do whatever is necessary...” to require the BOD to undertake immediately the appropriate steps to expeditiously “return [the canal]...to a condition...consistent with the high standards expected of all lots within the subdivision.”

If this is not done immediately, we the undersigned are prepared to bring suit against the Bayshore Beach Club Inc. with the intent of securing a lien upon the property [i.e., the canal], in accordance with the C & Rs until this unkempt lot is returned to an appropriate condition, and an amenity for the entire Bayshore community.