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September 6, 2024

Dear Landowner:

Pursuant to Florida law, the 2024 Annual Landowners Meeting of the San Carlos Estates Water Control District ("District") is scheduled to be held at 9:00 a.m. on Saturday, September 28, 2024, at the Gulf Shore Church located at 25300 Bernwood Drive, Bonita Springs, Florida 34135. The Notice of the 2024 Annual Landowners Meeting is attached. The Notice provides additional information concerning the process of electing a Supervisor to the Board of Supervisors for a three (3) year term for the Supervisor's position currently held by Supervisor Jennifer Finazzo. Please note, landowners in the District must be current on the payment of their District assessments in order to participate in the election process. Information about the 2024 Annual Landowners Meeting is available on the District's website under the "Annual Landowners Meeting" tab.

The Board of Supervisors has asked me to address the topic of the ownership, use, and control of the District's right of ways. When the District was created in 1969, the drainage and road right of ways in the District were established and an easement for the District right of ways was created/dedicated in favor of the District that is superior to everyone else's rights in the right of ways areas. On or about January 2000, the northwesterly 22 acres of the District were removed from the District as a result of a settlement agreement in a lawsuit that was filed against the District by a Mr. Hedden and a Mr. Thompson who were the owners of the 22 acres. In addition to the removal of the northwest 22 acres from the District as described above, on or about April 8, 2003, the District, through a condemnation action, acquired the "fee simple ownership" of the rectangular parcel of land where Strike Lane crosses the railroad right of way into the District and where the water retention ponds are located immediately west of the west boundary of the District. The above referenced parcel of land acquired by the District through the condemnation action is approximately 7.96 acres and includes all of the area up to and including North Strike Lane to the north and east to Rodas Drive (the District's "fee owned lands"). The District owns the District's fee owned lands free and clear and exclusive of any easements or rights of way in favor of any other parties and no one can cross the District's fee owned lands unless they have the District's permission.

As provided by Florida law, and as a result of the creation/dedication of the District's easement over all of the drainage and road right of ways, and also as a result of the District's exclusive ownership of the District's fee owned lands, the District owns all of the improvements within the District's right of ways. Further, the District exclusively controls all uses and activities that occur within the District's right of ways and within the District's fee owned lands. Any construction of any improvements in the District's right of ways and fee owned lands and any use of the District's right of ways and fee owned lands is controlled

exclusively by the District pursuant to Florida law and the District's policies, rules and regulations. The District Board of Supervisors has adopted a written procedure for a landowner in the District (District landowner) to use when they want to apply for a permit from the District to construct improvements in the District's right of ways or when they want to apply for a permit to use the District's right of ways for any and all purposes, including driveway connections. All uses in the District's right of ways and fee owned lands and the construction of any improvements in the District's right of ways and fee owned lands must receive the District's prior written permission (permit) which will be granted or denied in the District's sole discretion.

Please note, no landowner outside the District can legally use the District's right of ways and fee owned lands for access to their land or for drainage of their land unless they have first received the District Board of Supervisor's prior written approval which will be granted or withheld in the District Board of Supervisor's sole discretion. Also, please note, no District landowner, or any other third party who is not a District landowner, can remove, modify, or replace any of the District's improvements, including canals, swale ditches, or road improvements, without the District's prior written approval which will be granted or withheld in the District Board of Supervisor's sole discretion.

For further information about the District, a landowner can view the District's website or a landowner can contact the District's office at the contact information shown on the District's website.

Sincerely,



Richard W. Pringle

RWP/cq

Attachment - Notice of Annual Landowners Meeting