

IN THE CIRCUIT COURT IN AND FOR THE TWELFTH JUDICIAL CIRCUIT  
IN AND FOR MANATEE COUNTY, FLORIDA

RICHARD HOLTOM GARRETT, INDIVIDUALLY AND  
AS TRUSTEE OF THE RICHARD HOLTOM GARRETT  
REVOCABLE TRUST DATED JUNE 5, 2017,

Plaintiffs,

v.

CASE NO.: 2019 CA 512

UNIVERSITY PARK RECREATION DISTRICT,

Defendant.

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**DEFENDANT'S RESPONSE TO PLAINTIFF'S  
MOTION FOR TEMPORARY INJUNCTION**

University Park Recreation District, an independent special district of the State of Florida, by and through its counsel, responds to plaintiff's request for a temporary injunction pursuant to Rule 1.610 of the Florida Rules of Civil Procedure and states as follows:

A. **Summary of Argument.**

The Florida Legislature has authorized this Court to perform a limited review with respect to the formation of recreation districts. Succinctly stated, the Florida Legislature has authorized this Court to determine whether the Manatee County Board of County Commissioners took action that was arbitrary, capricious, confiscatory or in violation of the constitutional guarantees of plaintiff in their 7-0 vote to approve the University Park Recreation District. They did not. Therefore, the relief sought by plaintiff should be denied.

Moreover, more than 75% of the residents of University Park voted to create a recreation district. This Court should not overturn that majority vote.

B. **The Underlying Facts.**

1. **The Development.** University Park (“University Park”) is a residential development in Manatee County containing 1,554 registered voters.

2. **Golf Course.** University Park golf course (the “Golf Course”) is within the University Park development. However, the Golf Course is independently owned and operated; more specifically, the Golf Course is owned by third parties – and not the homeowners or the homeowner’s association.

3. **Marketing of the Golf Course.** The owners of the Golf Course have for some time desired to sell the Golf Course. Not surprisingly, many of the residents of University Park have had an interest in owning and controlling the operation and management of the Golf Course, rather than having it sold to an unknown third party buyer.

4. **Petitions.** During the years 2017 and 2018, some of the residents of University Park began to circulate petitions under Section 418.20 of the Florida Statutes to authorize Manatee County to form a recreation district that would have an opportunity to purchase the Golf Course. 778 petitions (50% of the registered voters) were required in order to request that Manatee County approve a recreation district. The text of the petitions provided in pertinent part as follows:

1. . . . I hereby petition the Manatee Board of County Commissioners to establish the University Park Recreation District (the “District”) under Chapter 418 of the Florida Statutes.
2. I am aware of the community efforts that have been underway over the past six months or more to acquire from the developers of University

Park the assets they continue to own in this community which include a clubhouse, administration buildings, a 27 hole golf course, tennis courts, among other recreational facilities, and 100 acres of other parcels located throughout the community and other assets.

3. I support the results of those efforts and believe that the formation of the District will be the most desirable and cost-effective way to implement the acquisition and to provide for the administration of the recreational facilities after they are acquired.

As one would expect in a neighborhood of over 1000 residents, there was substantial political discourse with some residents being in favor of the creation of a recreation district and some opposed. There were many meetings, both formal and informal, among the residents on this complex issue. As with most political issues, both sides were of the opinion that the other side was not fairly characterizing the issues and facts.

5. **Certification of Petitions.** On February 26, 2018, Michael Bennett, the Supervisor of Elections for Manatee County, issued a written certification that his office had received 1,180 valid petitions (the "Certified Petitions") in support of a recreation district representing 75.93% of the registered voters in University Park. A copy of the certification is attached as Exhibit A. From a mathematic perspective, the 1,180 Certified Petitions exceeded the statutorily required number of petitions (778) by 402.

6. **Presentation to the County and Additional Discourse.** Following the certification, the Certified Petitions were delivered to the County. The dialogue among the parties continued and in some cases escalated.

7. **Manatee County Staff Report.** Following receipt of the Certified Petitions, the employee staff of Manatee County (the "Staff") prepared a written analysis of the request for a recreation district (the "Staff Report"). A copy of the Staff Report is attached as Exhibit B. The Staff Report considered the nature of the request, the nature

of the facilities, the statutory requirements for a recreation district and the powers of a recreation district. In addition, the Staff identified specific "Review Factors" for consideration by the Manatee County Board of County Commissioners:

- (a) That the creation of such district is the best alternative for delivering recreational service;
- (b) That such district is amenable to separate special district government; and
- (c) That all of the territory in the district will be benefitted by proposed improvements to be made by said district.

The Staff Report concludes with a proposed motion to create a recreation district including a specific finding that all statutory requirements for the creation had been met.

8. **Notice of Meeting.** The Board of County Commissioners set the meeting for August 2, 2018 to consider the request for a recreation district. The agenda item set at 9am for a "time certain" so any potential participants would know precisely when the meeting would take place (rather than some agenda items that could occur at any time during the day). Notice of the meeting was published in the newspaper. However, by all accounts, the community grapevine conveyed the meeting date long before the Bradenton Herald.

9. **Citizen Comments.** It is the practice of the Manatee County Board of County Commissioners to allow "public comment" by email in advance of a meeting. In this instance, the citizens of University Park freely utilized that option. Attached as Exhibit C is a composite exhibit of the emails received by the County Commissioners. Notably, many of the issues raised in the complaint here are included in the emails to the County Commissioners.

10. **County Attorney.** In advance of the meeting, the County Attorney reviewed the Staff Report. The County Attorney did not make any comments in opposition to the Staff Report.

11. **Meeting.** On August 2, 2018, the Manatee County Commission met to consider the creation of a recreation district. Approximately 100 people attended the meeting regarding the proposed recreation district. Some spoke for the proposed recreation district. Some spoke against the recreation district. After the close of the information and evidence presented, the Manatee County Board of Commissioners voted 7-0 to approve the creation of the recreation district.

12. **Ordinance/Charter.** On August 2, 2018, Priscilla Trace, Chairperson of the Manatee County Board of County Commissioners signed Ordinance 18-29 (the "Charter Ordinance"), which is both an ordinance of Manatee County and the charter creating the University Park Recreation District ("University Park Recreation District"). The Charter Ordinance, in addition, creates certain rules, defines authority and powers and discusses financing. Lastly, the Charter Ordinance establishes Article III of Chapter 2-8 of the Manatee County Code of Ordinances.

C. **Memorandum of Law.**

1. **Statutory Interpretation – Authority for Recreational Districts.**

In 1978, the Florida Legislature enacted Chapter 418 of the Florida Statutes. In 1980, the Florida Supreme Court in *State v. Sunrise Lakes Phase II Special Recreational District*, 383 So.2d 631 (Fla. 1980) explained the purpose for the law and the presumption in favor of actions taken to create recreational districts:

The purpose of chapter 418, part II, is to allow municipalities and counties to designate a limited geographic area as a recreation district for the purpose of

providing the acquisition and improvement of recreational facilities. We must conclude that the acquisition of the facilities within the instant condominium complex is no different than acquiring similar facilities in a large single-family housing development serving the same number of people. The key is the availability of the facilities to the general public. Without that availability, there is no public purpose. This chapter demonstrates the legislative intent that the creation of recreation districts serves a valid public purpose, *and a legislative determination of public purpose should be presumed valid unless it clearly appears to be beyond the power of the legislature.* *State v. Housing Finance Authority*, 376 So.2d 1158 (Fla.1979).

Similar to other special districts, these recreation districts are essentially financing vehicles which allow residents of a limited geographic area to provide for improvements that substantially benefit the residents in the district. *State v. Sarasota County*, 372 So.2d 1115 (Fla.1979). To finance these facilities, the charter of the recreation district may grant many powers including the power to issue bonds, to collect ad valorem taxation, and to charge fees for the admission to or the use of the facilities. § 418.22, Fla.Stat. (emphasis supplied)

*See also State v. Village of North Palm Beach*, 133 So.2d 641 (Fla. 1961)(upholding the use of bonds by a city to purchase and operate a golf course).

## 2. Statutory Interpretation – Challenges to Ordinances.

Normally, doubts as to the validity of an ordinance are resolved against the ordinance. *See Gustafson v. City of Ocala*, 53 So.2d 658 (Fla. 1951). The general rule articulated by the Florida Supreme Court in *Gustafson* is as follows:

The reasonableness of a statute is not open to judicial review unless organic law is violated but the reasonableness of an ordinance is subject to review or determination. To be valid an ordinance must be reasonable and not in conflict with organic law. If a doubt exists as to the extent of power attempted to be exercised by a municipality out of the usual range, or which may affect the common law right of a citizen, it is to be resolved against the municipality.

The general rule does not apply to ordinances creating recreation districts; instead, the Florida Legislature has substantially restricted the role of the circuit courts in this instance.

Section 418.25 of the Florida Statutes authorizes a review of the creation of a recreation district and states as follows:

Any person feeling aggrieved by the adoption of an ordinance granting or amending the charter of a recreation district may bring, within the period hereinafter prescribed, an appropriate action in the circuit court of the state for that county in which the municipality is located for declaratory or injunctive relief *on the grounds that the adoption of said ordinance or any part thereof was arbitrary, capricious, confiscatory, or violative of constitutional guarantees*. Such action may be brought at any time during a period beginning immediately upon the adoption of said ordinance and ending no later than the earlier to occur of:

- (1) One year from the date of adoption of said ordinance; or
- (2) The date of judicial validation of the first bonds, tax bonds, or revenue bonds of said district to be authorized and validated after the adoption of the ordinance under chapter 75.

After the expiration of said period, no one shall have any right or cause of action to challenge such ordinance or the existence of any recreation district created thereby, whether such challenge be brought under this law or under any other law. (emphasis supplied)(the "Statute")

Critically, the Statute only authorizes this Court to perform a very limited review in its quasi-appellate capacity. More specifically, the Statute narrowly directs this Court to ascertain if the "adoption of said ordinance . . . was arbitrary, capricious, confiscatory or violative of constitutional guarantees." In *Dravo Basic Materials Co., Inc. v. State Dept. of Transp.*, 602 So.2d 632 (Fla. 2d DCA 1992), the Second District Court of Appeal faced a task analogous to the one before this Court. In *Dravo*, the appellant below, a supplier of limestone aggregate, challenged an administrative rule and contended the rule was arbitrary and capricious. Prior to making its ruling, the Court made the following observations, which are instructive:

In order to appreciate the significant limitations on our power in this type of case, it is useful to consider our scope of review in the context of: 1) the role of the hearing officer, 2) the recognized definitions of "arbitrary" and "capricious," and 3) the challenger's burden of proof in the administrative hearing. When a proposed rule is challenged before a hearing officer, it is the role of the officer to determine

whether the rule is arbitrary or capricious. See § 120.56(1), Fla.Stat. (1989); § 120.52(8)(e), Fla.Stat. (1989). This is usually a fact-intensive determination. A proposed rule is “arbitrary” only if it is “not supported by fact or logic.” *Agrico*, 365 So.2d at 763. It is “capricious” if it is taken “without thought or reason.” *Id.* The party challenging the rule must prove its invalidity by a preponderance of the evidence. *Id.* When an appellate court reviews the factual findings made by a hearing officer in such a proceeding, its primary task is to determine whether the findings concerning the reasonableness of the rule are supported by competent substantial evidence. § 120.68(10), Fla.Stat. (1989); Thus, under our limited scope of review, we must affirm the hearing officer's decision if there is competent substantial evidence in the record to support the determination that the challenger did not successfully prove the proposed rule to be arbitrary or capricious.

Ultimately, the Second District Court of Appeal in *Dravo* affirmed finding that while the evidence in support of the rule was “rather unscientific”, the challenger failed to meet the threshold of “arbitrary and capricious.”

In the instant case, the issue was debated in the community for a protracted period of time. 75% of the voters approved the Certified Petitions, the County Staff confirmed statutory compliance, the County attorney drafted the Charter Ordinance and, ultimately, the Manatee County Commission approved the Charter Ordinance in a vote of 7-0 after open public debate. There is no evidence that the County Commission was anything other than an objective third party administering its laws and abiding by its established political process in an unbiased manner. In the vernacular of the Second District Court of Appeal, there is no evidence that the Manatee County Commission acted in a way “not supported by fact or logic” or “without thought or reason.”

Importantly, the Statute only allows a plaintiff to challenge the “adoption” of the Charter Ordinance; the party that “adopted” the Charter Ordinance was the Manatee County Commission – and not any of the third parties referenced in the complaint. Thus an extraneous statement in the political discourse – or even a misstatement – would not

rise to the requisite level unless it could be demonstrated that it affected the proceedings before the Manatee County Commission to the extent that the proceedings became arbitrary or capricious. Similarly, the Statute does not allow this Court to delve into the underlying substance of collateral issues (e.g., whether a statement made at a neighborhood meeting was misleading, fair market price for a yet unconsummated transaction, whether the rules of the homeowner's association were followed, etc.). Finally, it is clear that matters after the August 2 public hearing would not be germane since the focus of the Statute is on the "adoption" which was complete on August 2, 2018.

### 3. Injunction Requirements.

Conspicuously absent from the plaintiff's motion for temporary injunction is any mention of the burden of proof, which rests firmly with the plaintiff. A temporary injunction is an extraordinary remedy that should be granted sparingly and only after the moving party has alleged and proven facts which entitle them to relief. *Duryea v. Slater*, 677 So.2d 79 (Fla. 2d DCA 1996). Even after notice and hearing, a temporary injunction is properly entered only in certain well-defined circumstances. *City of Jacksonville v. Naegele Outdoor Advertising Company*, 634 So.2d 750 (Fla. 1<sup>st</sup> DCA 1994), *approved*, 659 So.2d 1046 (Fla. 1995). In *Naegele*, the court succinctly stated the requirements for granting a preliminary injunction:

The issuance of a preliminary injunction is an extraordinary remedy which should be granted sparingly and which must be based upon a showing of the following criteria: (1) the likelihood of irreparable harm; (2) the unavailability of an adequate remedy at law; (3) substantial likelihood of success on the merits and (4) consideration of the public interest.

As to the first prong of the test, there is no exigency. The vote scheduled to take place on Thursday February 7, 2019 is a referendum to authorize the potential issuance of bonds. The bonds will not be issued until a future date following a validation proceeding.

As to the third and most important prong, there is simply no evidence to support a conclusion that the plaintiff is substantially likely to prove at trial that the County Commission acted in a manner that was arbitrary, capricious, confiscatory or in violation of the plaintiff's constitutional rights. On the contrary, the overwhelming evidence is that there was an open and vigorous political debate on a complex and understandably controversial issue. The fact that the political result is not in keeping with the plaintiff's expectations and desires does not make the actions of Manatee County subject to being invalidated by this Court.

As to the fourth prong, the public has an interest in knowing that its laws regularly enacted will be upheld by the Courts. Manatee County, including its Staff and the County Commission, addressed the adoption of the Charter Ordinance in an orderly fashion, which clearly complied with all due process requirements. Indeed, there is not even a suggestion in the complaint that the Manatee County Commission refused to consider evidence or excluded evidence. Rather, plaintiff takes issue with the conclusion that was reached – not unlike an unsuccessful litigant following a trial. Additionally, the public interest is served with when the votes of its citizens are respected. In this case, over 75% of the residents of University Park petitioned the Manatee County Board of Commissioners to establish the Charter Ordinance. This

Court should not substitute its judgment for the overwhelming majority of voters in University Park.

4. **Equitable Jurisdiction.**

The law is well-settled that a court of equity as a general rule will not restrain the holding of an election because a free election in a democracy is a political matter to be determined by the electorate and not the courts. *Rivergate Restaurant Corp. v. Metropolitan Dade County*, 369 So.2d 679 (Fla. 3d DCA 1979). Limited exceptions to this rule have been recognized but only on the narrowest of grounds. *Id.* In this instance, the democratic referendum for February 7, 2019 should not be enjoined. After the referendum, this Court will have the authority and jurisdiction over the parties – and the will of the electorate will be known to the Court.

5. **Bond.**

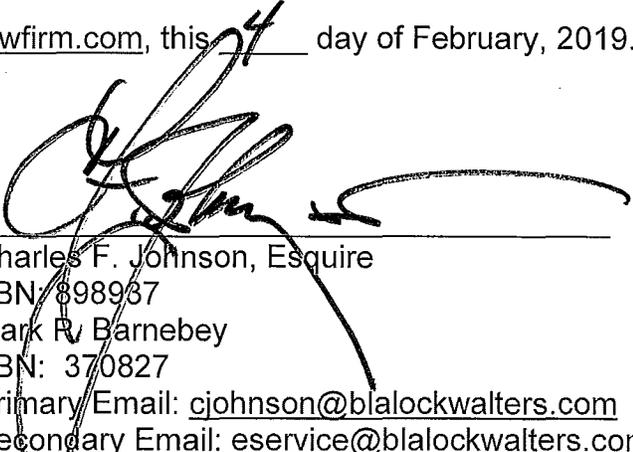
If this Court were to entertain the notion of an injunction, this Court would be obliged to establish a substantial bond. The main reason it is necessary to establish a comprehensive bond is the damages recoverable for an improperly entered injunction are limited to the bond amount. *See Parker Tampa Two, Inc. v. Somerset Development Corp.*, 544 So.2d 1018 (Fla. 1989). When a court initially sets an injunction bond, the amount of the bond should constitute the court's determination of the foreseeable damages for a wrongful injunction. *Id.* In this case, the damages potentially sustained will include: (a) the cost of the referendum, (b) the attorneys' fees sustained by the defendant's in reversing the injunction, and (c) the additional interest incurred on the bonds if interest rates rise in the interim. More specifically with the respect to the interest on the bonds, the rate of interest payable to the bondholders is established at

the time of issuance. If this court delays the issuance of the bonds and the rate of interest payable in the marketplace rises, then the plaintiffs would be responsible for the increased interest if the injunction were reversed. That is not to say with certainty an injunction would be reversed, but the bond must protect the defendants in the event that eventuality occurs.

Wherefore, the University Park Recreation District respectfully requests that this Court deny the plaintiffs' motion for temporary injunction.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by electronic mail to Sheryl A. Edwards, Esq., The Edwards Law Firm, PL, 500 S. Washington Boulevard, Suite 400, Sarasota, FL 34236 at [sedwards@edwards-lawfirm.com](mailto:sedwards@edwards-lawfirm.com) and [lbauman@edwards-lawfirm.com](mailto:lbauman@edwards-lawfirm.com), this 4 day of February, 2019.



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**MICHAEL BENNETT • SUPERVISOR OF ELECTIONS • MANATEE COUNTY**

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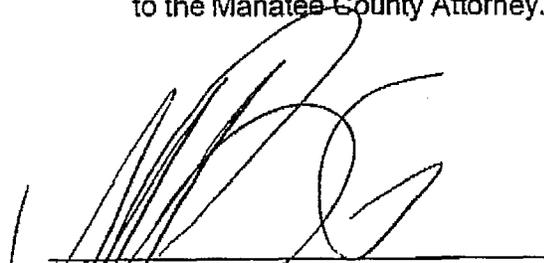


Phone: 941-741-3823 • Fax: 941-741-3820 • VoteManatee.com • Info@VoteManatee.com

**CERTIFICATE OF THE  
SUPERVISOR OF ELECTIONS  
MANATEE COUNTY  
STATE OF FLORIDA**

I, Michael Bennett, Supervisor of Elections in and for Manatee County, Florida duly commissioned and qualified, hereby certify on March 12, 2018 the following statements:

- On February 26, 2018 the Supervisor of Elections is in receipt of 1,238 Petitions to Establish University Park Recreation District from Norma Larkin, Teller.
- The Proposed District has 1,554 registered voters as of March 11, 2018. Of the 1,238 petition signatures received, 1,180 were accepted as valid and 58 were rejected as invalid.
- This certificate shall serve as notice from the Manatee County Supervisor of Elections to the Manatee County Attorney.



Michael Bennett  
Supervisor of Elections  
Manatee County

*Protect the Manatee*



# Establishment of University Park Recreation District

## Staff Review Report

### 1. Request

As permitted by Section 418.20, Florida Statute, on April 30, 2018 electors residing in the proposed district petitioned Manatee County to create the University Park Recreation District (the "UPRD"). As certified by Michel Bennett, Supervisor of Elections in and for Manatee County, Florida, 1,238 petitions (1,180 accepted as valid, 58 rejected as invalid) were submitted in favor of the establishment of the UPRD.

The decision whether or not to grant the petition and enact the ordinance is legislative.

### 2. Background

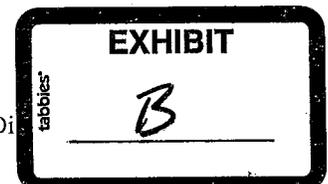
The location of the proposed UPRD is located entirely within the University Park Development of Regional Impact.

The proposed UPRD includes a 27-hole golf course and practice facilities, a pro shop, a clubhouse with kitchen, administrative and community facilities, tennis courts, a croquet court, a fitness center, a golf cart storage facility, and associated facilities, as well as certain other facilities and parcels of land that are within the area to be covered by the UPRD (the "University Park Country Club").

Florida law (Section 418.20, *Florida Statutes*) authorizes the establishment of the district by the Manatee County Board of County Commissioners. The electors residing in a proposed district may petition the governing body of the county to create a recreation district. If a majority of electors has signed the petition, no referendum shall be required to create the district. As of March 11, 2018, the proposed district has 1,554 registered voters, with 1,180 petitions accepted as valid and in favor of the district, no referendum shall be required to create the district.

The governing body for the district shall be determined by ordinance. The UPRD shall be governed by a five-member Board of Supervisors elected by the Owners and Residents as permitted by Section 418.21, *Florida Statutes*. The members of the board of supervisors shall serve without compensation.

Some of the powers of a recreation district include the ability to acquire, purchase, construct, improve, and equip recreational facilities of all types, including real and personal property, within the boundaries of the district; such acquisition may be by purchase, lease, gift or exercise of the powers of eminent domain. To operate and maintain recreational facilities or to enter into arrangements with others for such operation and maintenance pursuant to contract, lease or otherwise. For a complete list of powers of a recreation district see Section 418.22, *Florida Statutes*.



### 3. Review Factors

According to Florida law (Section 418, Florida Statutes), the creation of a recreation district shall be established by ordinance approved by Manatee County Board of County Commissioners. The charter of a recreation district may contain findings by the governing body of county as described by Section 418.24, Florida Statutes:

- That the creation of such district is the best alternative available for delivering recreational service.
- That such district is amenable to separate special district government.
- That all of the territory in the district will be benefited by proposed improvements to be made by said district.

As described in Section 1 of the proposed ordinance the creation of the UPRD is the best available alternative for delivering the above described recreational services and facilities because it provides flexible funding mechanisms to assure the long-term availability of recreational facilities and services for the residents of the UPRD.

### 4. Recommendation

Staff acknowledges that the attached Ordinance No. 18-29 establishing the University Park Recreation District complies with the requirements of Florida Statutes.

#### Attachments:

- Map of District depicting location and boundary
- Ordinance No.18-29
- Notice of Public Hearing published in newspaper
- Certificate of Supervisor of Election
- List of Petitioners
- Signed Petitions
- Citizen Comments

## Bobbi Roy

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**From:** Marianne Lopata  
**Sent:** Thursday, July 26, 2018 9:34 AM  
**To:** Jack Siegel  
**Cc:** Bobbi Roy; Debbie Bassett; Betsy Benac; Carol Whitmore; Charles Smith; Priscilla WhisenantTrace; Robin DiSabatino; Stephen R Jonsson; Vanessa Baugh  
**Subject:** University Park Recreation District PLN1805-0007/CDD18-03

[University Park Recreation District PLN1805-0007/CDD18-03](#)

Thank you for writing to share your concerns. Your email is hereby acknowledged as received by the Board of County Commissioners and will also be forwarded to staff of Building & Development Services and the County Attorney's Office for inclusion as public comments for this hearing.

As well as your written correspondence you are welcome to attend the hearing, currently scheduled for **August 2, 2018**, to offer your comments and opinions.

On behalf of Chairman Trace and the other Commissioners, thank you for your interest and participation.

*Marianne Lopata*  
Executive Administrative Assistant  
Board of County Commissioners  
Phone: (941) 745-3707; Fax: (941) 745-3790  
E-mail: [marianne.lopat@mymanatee.org](mailto:marianne.lopat@mymanatee.org)



**From:** Jack Siegel <[siegel.jack@gmail.com](mailto:siegel.jack@gmail.com)>  
**Sent:** Thursday, July 26, 2018 8:07 AM  
**To:** Vanessa Baugh <[vanessa.baugh@mymanatee.org](mailto:vanessa.baugh@mymanatee.org)>  
**Subject:** Support the Creation of the University Park Recreation District

Dear Commissioner Baugh,

We strongly recommend that you support the creation of the University Park Recreation District (UPRD) at your August 2 hearing to ensure that the green areas within University Park Country Club (UPCC) are maintained.

We are 16 year residents of (UPCC). We decided to live here because it is a peaceful and clean environment in an ever more developing part of Sarasota/Bradenton. In fact, several surveys conducted by by University Park (UP) residents indicated that the significant green areas and peaceful environment of UP were the main reasons that the majority of homeowners bought there.

Reacting to communications from the owners of UPCC, Neal & Pasold, that they intended to close the Club and prepare undeveloped land (including golf course lands) within UP for sale, a planning group of residents undertook to find a way to take control of UPCC at a cost that homeowners would find acceptable. After ov



meetings, negotiations and document drafting, and in close coordination with homeowners, the planning group recommended the creation of the (UPRD) because it would allow residents to control the destiny of UPCC at a cost that is very reasonable. The current owners, Neal & Passold, supported this option and agreed to selling the Country Club and other lands and rights to the UP homeowners for a price that is well below current market value. Approximately 80% of the eligible voters in UP signed the petition to create the UPRD, an overwhelming percentage of voters that indicates the level of support for this option.

We look to you and your colleagues to support the petition at your August 2 hearing and create the UPRD as soon as possible. Taking such action will protect the green areas within the borders of UPCC and the values of our homes.

Thank you for your consideration.

Shari and Jack Siegel  
7801 Wilton Crescent  
University Park, FL 34201  
941-351-6751

## **Bobbi Roy**

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**From:** Marianne Lopata  
**Sent:** Thursday, July 26, 2018 9:34 AM  
**To:** Greg Email  
**Cc:** Bobbi Roy; Debbie Bassett; Betsy Benac; Carol Whitmore; Charles Smith; Priscilla WhisenantTrace; Robin DiSabatino; Stephen R Jonsson; Vanessa Baugh  
**Subject:** University Park Recreation District PLN1805-0007/CDD18-03

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*Marianne Lopata*  
Executive Administrative Assistant  
Board of County Commissioners  
Phone: (941) 745-3707; Fax: (941) 745-3790  
E-mail: [marianne.lopat@mymanatee.org](mailto:marianne.lopat@mymanatee.org)



-----Original Message-----

**From:** Greg Email <[geonglr@aol.com](mailto:geonglr@aol.com)>  
**Sent:** Wednesday, July 25, 2018 2:24 PM  
**To:** Priscilla WhisenantTrace <[priscilla.whisenantrace@mymanatee.org](mailto:priscilla.whisenantrace@mymanatee.org)>  
**Subject:** University Park Ordinance

We encourage your support of the Ordinance when presented. my wife and I have been residents for over 17 years and love the lifestyle. Understand why developer wants to, sell and I believe what the UP team has negotiated is a fair price for all parties. I have done my due diligence and confirm in my mind that the price is best under the circumstances. I am a retired executive from a major publicly traded company and have done lots of deals and understand the nature of fair pricing.

Thanks for your support

Greg and Louisa Rutman  
7322 Mayfair Court

""Everybody dies. What matters is what you do between now and when it happens to you." - Orson Scott Card

## Bobbi Roy

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**From:** Marianne Lopata  
**Sent:** Thursday, July 26, 2018 9:33 AM  
**To:** Joe Conroy  
**Cc:** Debbie Bassett; Bobbi Roy; Betsy Benac; Carol Whitmore; Charles Smith; Priscilla WhisenantTrace; Robin DiSabatino; Stephen R Jonsson; Vanessa Baugh  
**Subject:** University Park Recreation District PLN1805-0007/CDD18-03

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*Marianne Lopata*  
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Phone: (941) 745-3707; Fax: (941) 745-3790  
E-mail: [marianne.lopat@mymanatee.org](mailto:marianne.lopat@mymanatee.org)



-----Original Message-----

**From:** Joe Conroy <[Jocon1723@comcast.net](mailto:Jocon1723@comcast.net)>  
**Sent:** Wednesday, July 25, 2018 12:19 PM  
**To:** Vanessa Baugh <[vanessa.baugh@mymanatee.org](mailto:vanessa.baugh@mymanatee.org)>  
**Subject:** Ordinance to form the University Park Recreation District

Commissioner Baugh

I see our long awaited ordinance to form a University Park Recreation District is on the agenda for your August 2nd meeting.

The vast majority (85+%) of 1200+ homeowners in the Park have indicated their support for this proposal and the formation of a Recreation District. Their number one prime reason has been to protect the green space and natural beauty that attracted them to live here.

It is also clear from the expressed intention of the current owners that forming the RD and acquiring University Park is the best, affordable way to protect our homes, retain our recreational interests and attract new owners. A

small group of residents (including many not registered to vote in Manatee County) have expressed opposition to this proposal but never offered one viable alternative. They have been loud but they do not represent the vast majority of our homeowners.

Subsequent land sales reaffirm the price negotiated is fair and well within valuations provided by outside experts and comparable transactions. Our team has worked with the County Attorney, Administrator and Supervisor of Elections. We've also reviewed the proposal in depth with each of the Commissioners. Now we ask for your considered support.

Your affirmative vote on August 2nd is critical to helping us protect and maintain our homes in University Park.

Thank you for your support.

Sincerely

Joseph P. Conroy Jr. & Dolores D. Conroy  
7715 Whitebridge Glen  
University Park, Fl 34201

## Bobbi Roy

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**From:** Marianne Lopata  
**Sent:** Thursday, July 26, 2018 9:33 AM  
**To:** Gio Cantarella  
**Cc:** Debbie Bassett; Bobbi Roy; Betsy Benac; Carol Whitmore; Charles Smith; Priscilla WhisenantTrace; Robin DiSabatino; Stephen R Jonsson; Vanessa Baugh  
**Subject:** University Park Recreation District PLN1805-0007/CDD18-03

University Park Recreation District PLN1805-0007/CDD18-03

Thank you for writing to share your concerns. Your email is hereby acknowledged as received by the Board of County Commissioners and will also be forwarded to staff of Building & Development Services and the County Attorney's Office for inclusion as public comments for this hearing.

As well as your written correspondence you are welcome to attend the hearing, currently scheduled for **August 2, 2018**, to offer your comments and opinions.

On behalf of Chairman Trace and the other Commissioners, thank you for your interest and participation.

*Marianne Lopata*  
Executive Administrative Assistant  
Board of County Commissioners  
Phone: (941) 745-3707; Fax: (941) 745-3790  
E-mail: [marianne.lopata@mymanatee.org](mailto:marianne.lopata@mymanatee.org)



**From:** Gio Cantarella <[giocant@gmail.com](mailto:giocant@gmail.com)>  
**Sent:** Wednesday, July 25, 2018 9:37 AM  
**To:** Vanessa Baugh <[vanessa.baugh@mymanatee.org](mailto:vanessa.baugh@mymanatee.org)>  
**Subject:** Recreation District for University Park 34201

**The Honorable Vanessa Baugh**

We wrote to you on 21 March 2018 ( see below) and just wanted to thank you for considering our proposal on the second of August 2018 for the establishment of the University Park Recreation District. The proposal has the overwhelming support of over 80% of the eligible petition signators and over 85% of all residents. Please help us to preserve our University Park lifestyle. Thank you.

Giovanni Cantarella  
[giocant@gmail.com](mailto:giocant@gmail.com)

**Quote**

The Honorable Vanessa Baugh,

My Name is Giovanni Cantarella and my Wife and I are residents in University Park and have both signed petitions to make University Park into a Recreation district, two of the 1,180 recently validated petitions, or nearly 80% of the eligible signators.

As a member of the Planning Group since last March 2017, myself and 24 other volunteers have sought the best options available to preserve the Greenspace and natural beauty, as well as the lifestyle of our beloved community.

We strongly feel that the Recreation District is our best approach to ensure our future and our home values.

We went through a thorough evaluation of all the options, guided by expert outside consultants and negotiated a total price far lower per acre than any other comparable area.

We have conducted, over the past 12 months, a totally transparent process with many meetings and resident communications.

Finally we have seen that process validated by the overwhelming amount of petitions signed by homeowners that concur with our approach.

Low cost to each homeowner, control of our destiny and low risk for the future.

I ask that you consider these items in you future consideration to approve the Recreation District on our behalf.

Thank you for your attention and support

Kind regards

Giovanni Cantarella  
6719 Curzon Terrace  
University Park  
34201  
**UNQUOTE**

## Bobbi Roy

---

**From:** Marianne Lopata  
**Sent:** Thursday, July 26, 2018 9:32 AM  
**To:** Lorraine Buck  
**Cc:** Bobbi Roy; Debbie Bassett; Betsy Benac; Carol Whitmore; Charles Smith; Priscilla WhisenantTrace; Robin DiSabatino; Stephen R Jonsson; Vanessa Baugh  
**Subject:** University Park Recreation District PLN1805-0007/CDD18-03  
**Attachments:** BCC FL State Licensing Letter 07 23 2018.docx

[University Park Recreation District PLN1805-0007/CDD18-03](#)

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On behalf of Chairman Trace and the other Commissioners, thank you for your interest and participation.

*Marianne Lopata*

Executive Administrative Assistant  
Board of County Commissioners  
Phone: (941) 745-3707; Fax: (941) 745-3790  
E-mail: [marianne.lopata@mymanatee.org](mailto:marianne.lopata@mymanatee.org)



**From:** Lorraine Buck <[lorrainebuck7@gmail.com](mailto:lorrainebuck7@gmail.com)>  
**Sent:** Monday, July 23, 2018 8:33 AM  
**To:** Vanessa Baugh <[vanessa.baugh@mymanatee.org](mailto:vanessa.baugh@mymanatee.org)>; Robin DiSabatino <[robin.disabatino@mymanatee.org](mailto:robin.disabatino@mymanatee.org)>; Charles Smith <[Charles.Smith@mymanatee.org](mailto:Charles.Smith@mymanatee.org)>; Stephen R Jonsson <[steve.jonsson@mymanatee.org](mailto:steve.jonsson@mymanatee.org)>; Priscilla WhisenantTrace <[priscilla.whisenanttrace@mymanatee.org](mailto:priscilla.whisenanttrace@mymanatee.org)>; Carol Whitmore <[carol.whitmore@mymanatee.org](mailto:carol.whitmore@mymanatee.org)>; Betsy Benac <[betsy.benac@mymanatee.org](mailto:betsy.benac@mymanatee.org)>  
**Subject:** Re: The Proposal to Form University Park Community into a Recreation District

Dear Commissioners:

Please see the attached memo, also pasted below, outlining our request to delay any decision on the University Park Recreational District until we receive a ruling from the Office of General Counsel regarding the investigation of Darius Hatami, the appraiser of University Park Country Club.

This is significant because all homeowners signed the petition based on Hatami's appraisal which is now under investigation.

Regards,  
Lorraine Buck

July 23, 2018

Board of County Commissioners  
Manatee County Government  
1112 Manatee Avenue West  
Bradenton, FL 34205

Re: Appraiser of University Park Country Club Under Investigation by Florida Division of Real Estate,  
Office of General Counsel

Dear Chairman Trace and Commissioners Baugh, Benac, DiSabatino, Jonsson, Smith and Whitmore:

As you are aware from our Memorandum in Opposition dated June 15, 2018, Darius Hatami from HVS was hired and paid by the HOA to appraise the value of University Park Country Club. Hatami was neither licensed nor certified as a real estate appraiser in the State of Florida. Two of the three HOA board members are appointees of Neal and Pasold, the developers, who are the sellers. This alone establishes a patent conflict of interest where the sellers are selecting an unlicensed appraiser and then using the buyers' money to pay him.

Because Hatami is not licensed or certified in the State of Florida to conduct appraisals, he violated Florida Statute 475.612(1) which is a potential crime under Florida Statute 475.626 (Memorandum in Opposition, EX 18). Due to this, the Concerned Residents filed a complaint with the Florida Division of Real Estate ("Division") regarding Hatami's actions. His appraisal was shared with the Division for review.

As a result, an investigator with the Division requested a phone call to learn about this entire matter. That call took place on July 10, 2018. During that call, the investigator was most interested in the fact that the HOA board spent \$28,500 of HOA money to pay for this appraisal and the fact that Hatami, in early January 2018, confirmed his estimated market value to be \$6,200,000. However, in mid-January 2018, the Planning Group (with John Whyte as the leader), produced a report from Hatami dated October 31, 2017, claiming the estimated market value to be \$13,500,000. The investigator was questioning: **Why would Hatami, in January 2018, confirm the value of \$6,200,000 if he had already written the October 31, 2017 report stating the value as \$13,500,000?** The most likely explanation is that the report dated October 31, 2017, HAD NOT BEEN WRITTEN as of early January 2018.

Please reference the Appraisal Review Report, completed by a local, well-respected, Florida State-Certified General Real Estate Appraiser who holds an MAI designation, for the copy of the page from the original appraisal that states the value of \$6,200,000 (Memorandum in Opposition, EX 16, Page 7).

The investigator forwarded the investigation results to the Office of General Counsel for further action.

Based on the above, we respectfully request that you delay any decision on the University Park Recreational District until we receive a ruling from the Office of General Counsel. All homeowners signed the petition based on Hatami's appraisal which is now under investigation.

Sincerely,  
Joe Moran and Lorraine Buck on behalf of UP Concerned Residents  
Joe Moran: [jjm1776@gmail.com](mailto:jjm1776@gmail.com) / 585-313-0244  
Lorraine Buck: [lorrainebuck7@gmail.com](mailto:lorrainebuck7@gmail.com) / 404-268-7514

On Wed, Jul 18, 2018 at 10:06 PM, Tom Lordi <tomilordi@yahoo.com> wrote:

Dear Commissioners:

Soon you will be presented with a proposal to approve a charter for incorporation of the University Park Community as a recreation district. Representing a faction of residents in the community who are greatly opposed to this proposal, we are writing to you to respectfully ask your consideration of our opposition. Our position follows:

---

Over the past few months since the University Park Homeowners' Association (UPCAI) announced that they had been in negotiations with the developer of our community to purchase his golf course and related assets (UPCC) by means of forming our community into a recreation district (RD), we have been trying to find comfort in the assumption that this process was being undertaken with the good of the entire community in mind. As more information became available, however, it is increasingly obvious to us that the will of the majority is no longer relevant. The community has fallen subject to an aggressively self serving faction that is unfortunately about the business of furthering the developer's ends, and those of a small portion of the community who are members of the UPCC.

For these months the UPCA Board, on which, interestingly, the developer holds a two-thirds majority, have been conducting negotiations with little or no transparency. "Due diligence", estimated at nearly \$100,000, has been funded by the UPCA reserves without a mandate from the residents, nor without any effort to get such a mandate, in clear violation of the Community CC&Rs, article 7.6, which explicitly prohibits such expenditures. The expense of the due diligence notwithstanding, it contains a deeply flawed appraisal, done by an unlicensed land value appraiser, that is nonetheless serving as the basis for the highly inflated acquisition price that has been proposed and tentatively accepted by the UPCA.

Then, in addition to the purchase price being extremely high compared to other recently sold courses in the area, the UPCA is insisting on forming the community into a recreation district to raise the capital required for this ill-advised acquisition. As you know, in a recreation district all homeowners are **permanently** responsible for the club's continued viability providing the golf members with a hugely disproportionate benefit. Normally, if a country club needs additional funding it assesses its members. Under the RD scenario, however, responsibility for the club's financial shortfalls will fall on all the homeowners. Thus, because only about 20% of the homeowners are golfers, 80% of the money raised will come from non-golfers. Furthermore, there will most certainly be future additional assessments and/or bond underwritings. The RD thus obliges all UP residents to be paying in perpetuity for an under-performing asset, as all golf courses are. Every year there are fewer golfers in general, and more clubs are in debt, or failing entirely.

Again, particularly troubling with the RD arrangement is that the initial acquisition is only the beginning. What follows are the costs of deferred maintenance, ongoing maintenance, capital

improvements and cash flow shortfalls which will assuredly amount to additional HOA annual assessments beyond the initial ad valorem tax imposed by the RD. Per the proposed RD charter these additional assessments may be levied without homeowner approval. Furthermore, additional 30 year bonds may well be underwritten to the account of ALL the residents should there be required any expenditure beyond a threshold value, typically \$1MM. The recreation district represents a significant financial burden to all residents. One that will only increase over time. This onerous proposal is essentially "an open checkbook" and represents a serious inequity for the majority of our residents. It is noteworthy that its negative impact on the market value of our homes is already being felt. There is compelling evidence of a significant drop in home values in the community. One estimate predicts over a 35% drop has already occurred, which would translate to an equivalent drop in the property tax revenues paid to Manatee County from the community

Finally, and perhaps the most egregious affront to the democratic process was the manner in which the petition vote for the recreation district was conducted. UPCA I representatives (also in violation of the CC&Rs) solicited votes door-to-door, while allowing no voice to those in the community opposed to the recreation district. Many of the residents complained subsequently of being cajoled, intimidated or simply too ill informed to deny their signature. So, the UPCA I claim of an 80% favorable vote for the RD is nowhere close to reality. Clearly a re-vote is in order, and this time should be done appropriately by mail in ballot under the supervision of Manatee County as was done for the proposed Braden River recreation district.

The approach the UPCA I has taken in these negotiations with the developer has been unilateral, without regard for the wishes of the majority of the residents. We were even threatened with overdevelopment and/or agricultural zoning if the purchase did not go through as the Developer and the UPCA I recommend.

Why then can't our community be allowed to come together and work constructively through this problem in a manner that would result in an equitable resolution? Why couldn't we pursue this problem as our neighbors at the Meadows have done; or also at the Laurel Oaks community where a equity partnership is being sought, so that the responsibility of the country club is kept independent from the residents. It shouldn't be that difficult! We should be permitted to examine more palatable alternatives before all of us being saddled with a perpetual and ever increasing financial burden!

At what point will enough become enough. Are we to always allow the ever increasing appetite for development in our area to go unabated. Please allow the people to have a voice. Deny the petition for a recreation district at University Park.

Respectfully,

Tom & Sue Lordi,  
University Park

July 23, 2018

Board of County Commissioners  
Manatee County Government  
1112 Manatee Avenue West  
Bradenton, FL 34205

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Office of General Counsel

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Sincerely,

Joe Moran and Lorraine Buck on behalf of UP Concerned Residents

Joe Moran: [jjm1776@gmail.com](mailto:jjm1776@gmail.com) / 585-313-0244

Lorraine Buck: [lorrainebuck7@gmail.com](mailto:lorrainebuck7@gmail.com) / 404-268-7514

## Bobbi Roy

---

**From:** Marianne Lopata  
**Sent:** Thursday, July 26, 2018 9:31 AM  
**To:** Dick Murphy  
**Cc:** Bobbi Roy; Debbie Bassett; Betsy Benac; Carol Whitmore; Charles Smith; Priscilla WhisenantTrace; Robin DiSabatino; Stephen R Jonsson; Vanessa Baugh  
**Subject:** University Park Recreation District PLN1805-0007/CDD18-03

University Park Recreation District PLN1805-0007/CDD18-03

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On behalf of Chairman Trace and the other Commissioners, thank you for your interest and participation.

*Marianne Lopata*  
Executive Administrative Assistant  
Board of County Commissioners  
Phone: (941) 745-3707; Fax: (941) 745-3790  
E-mail: [marianne.lopata@mymanatee.org](mailto:marianne.lopata@mymanatee.org)



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**From:** Dick Murphy <[rwmcem@comcast.net](mailto:rwmcem@comcast.net)>  
**Sent:** Thursday, July 19, 2018 9:25 AM  
**To:** Tom Lordi <[tomilordi@yahoo.com](mailto:tomilordi@yahoo.com)>; Vanessa Baugh <[vanessa.baugh@mymanatee.org](mailto:vanessa.baugh@mymanatee.org)>; Robin DiSabatino <[robin.disabatino@mymanatee.org](mailto:robin.disabatino@mymanatee.org)>; Charles Smith <[Charles.Smith@mymanatee.org](mailto:Charles.Smith@mymanatee.org)>; Stephen R Jonsson <[steve.jonsson@mymanatee.org](mailto:steve.jonsson@mymanatee.org)>; Priscilla WhisenantTrace <[priscilla.whisenanttrace@mymanatee.org](mailto:priscilla.whisenanttrace@mymanatee.org)>; Carol Whitmore <[carol.whitmore@mymanatee.org](mailto:carol.whitmore@mymanatee.org)>; Betsy Benac <[betsy.benac@mymanatee.org](mailto:betsy.benac@mymanatee.org)>  
**Subject:** Re: The Proposal to Form University Park Community into a Recreation District

As 23 year permanent residents of University Park, we support the underlying letter to refuse the application for the establishment of a Park District. We believe there are better alternatives more receptive and fair to the residents than the proposal by a handful of golfers at UPCC. We support a denial of the request to establish a Park District which, if approved, will impose costs on all homeowners for the next 30 years, just to satisfy a few.

Dick and Cynthia Murphy  
7321 Eaton Court  
University Park, Fl. 34201

**From:** Tom Lordi  
**Sent:** Wednesday, July 18, 2018 10:06 PM  
**To:** vanessa.baugh@mymanatee.org ; Robin DiSabatino ; charles.smith@mymanatee.org ;  
steve.jonsson@mymanatee.org ; priscilla.trace@mymanatee.org ; carol.whitmore@mymanatee.org ;  
betsy.benac@mymanatee.org  
**Subject:** The Proposal to Form University Park Community into a Recreation District

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For these months the UPCA Board, on which, interestingly, the developer holds a two-thirds majority, have been conducting negotiations with little or no transparency. "Due diligence", estimated at nearly \$100,000, has been funded by the UPCA reserves without a mandate from the residents, nor without any effort to get such a mandate, in clear violation of the Community CC&Rs, article 7.6, which explicitly prohibits such expenditures. The expense of the due diligence notwithstanding, it contains a deeply flawed appraisal, done by an unlicensed land value appraiser, that is nonetheless serving as the basis for the highly inflated acquisition price that has been proposed and tentatively accepted by the UPCA.

Then, in addition to the purchase price being extremely high compared to other recently sold courses in the area, the UPCA is insisting on forming the community into a recreation district to raise the capital required for this ill-advised acquisition. As you know, in a recreation district all homeowners are **permanently** responsible for the club's continued viability providing the golf members with a hugely disproportionate benefit. Normally, if a country club needs additional funding it assesses its members. Under the RD scenario, however, responsibility for the club's financial shortfalls will fall on all the homeowners. Thus, because only about 20% of the homeowners are golfers, 80% of the money raised will come from non-golfers. Furthermore, there will most certainly be future additional assessments and/or bond underwritings. The RD thus obliges all UP residents to be paying in perpetuity for an under-performing asset, as all golf courses are. Every year there are fewer golfers in general, and more clubs are in debt, or failing entirely.

Again, particularly troubling with the RD arrangement is that the initial acquisition is only the beginning. What follows are the costs of deferred maintenance, ongoing maintenance, capital improvements and cash flow shortfalls which will assuredly amount to additional HOA annual assessments beyond the initial ad valorem tax imposed by the RD. Per the proposed RD charter these additional assessments may be levied without homeowner approval. Furthermore, additional 30 year bonds may well be underwritten to the account of ALL the residents should there be required any expenditure beyond a threshold value, typically \$1MM. The recreation district represents a significant financial burden to all residents. One that will only increase over time. This onerous proposal is essentially "an open checkbook" and represents a serious inequity for the majority of our residents. It is noteworthy that its negative impact on the market value of our homes is already being felt. There is compelling evidence of a significant drop in home values in the community. One estimate predicts over a 35% drop has already occurred, which would translate to an equivalent drop in the property tax revenues paid to Manatee County from the community

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Respectfully,

Tom & Sue Lordi,

University Park

## Bobbi Roy

---

**From:** Marianne Lopata  
**Sent:** Thursday, July 26, 2018 9:30 AM  
**To:** Tom Lordi  
**Cc:** Debbie Bassett; Bobbi Roy; Betsy Benac; Carol Whitmore; Charles Smith; Priscilla WhisenantTrace; Robin DiSabatino; Stephen R Jonsson; Vanessa Baugh  
**Subject:** University Park Recreation District PLN1805-0007/CDD18-03

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*Marianne Lopata*  
Executive Administrative Assistant  
Board of County Commissioners  
Phone: (941) 745-3707; Fax: (941) 745-3790  
E-mail: [marianne.lopata@mymanatee.org](mailto:marianne.lopata@mymanatee.org)



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**From:** Tom Lordi <tomilordi@yahoo.com>  
**Sent:** Wednesday, July 18, 2018 10:06 PM  
**To:** Vanessa Baugh <vanessa.baugh@mymanatee.org>; Robin DiSabatino <robin.disabatino@mymanatee.org>; Charles Smith <Charles.Smith@mymanatee.org>; Stephen R Jonsson <steve.jonsson@mymanatee.org>; Priscilla WhisenantTrace <priscilla.whisenantrace@mymanatee.org>; Carol Whitmore <carol.whitmore@mymanatee.org>; Betsy Benac <betsy.benac@mymanatee.org>  
**Subject:** The Proposal to Form University Park Community into a Recreation District

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For these months the UPCA Board, on which, interestingly, the developer holds a two-thirds majority, have been conducting negotiations with little or no transparency. "Due diligence", estimated at nearly \$100,000, has been funded by the UPCA reserves without a mandate from the residents, nor without any effort to get such a mandate, in clear violation of the Community CC&Rs, article 7.6, which explicitly prohibits such expenditures. The expense of the due diligence notwithstanding, it contains a deeply flawed appraisal, done by an unlicensed land value appraiser, that is nonetheless serving as the basis for the highly inflated acquisition price that has been proposed and tentatively accepted by the UPCA.

Then, in addition to the purchase price being extremely high compared to other recently sold courses in the area, the UPCA is insisting on forming the community into a recreation district to raise the capital required for this ill-advised acquisition. As you know, in a recreation district all homeowners are **permanently** responsible for the club's continued viability providing the golf members with a hugely disproportionate benefit. Normally, if a country club needs additional funding it assesses its members. Under the RD scenario, however, responsibility for the club's financial shortfalls will fall on all the homeowners. Thus, because only about 20% of the homeowners are golfers, 80% of the money raised will come from non-golfers. Furthermore, there will most certainly be future additional assessments and/or bond underwritings. The RD thus obliges all UP residents to be paying in perpetuity for an under-performing asset, as all golf courses are. Every year there are fewer golfers in general, and more clubs are in debt, or failing entirely.

Again, particularly troubling with the RD arrangement is that the initial acquisition is only the beginning. What follows are the costs of deferred maintenance, ongoing maintenance, capital improvements and cash flow shortfalls which will assuredly amount to additional HOA annual assessments beyond the initial ad valorem tax imposed by the RD. Per the proposed RD charter these additional assessments may be levied without homeowner approval. Furthermore, additional 30 year bonds may well be underwritten to the account of ALL the residents should there be required any expenditure beyond a threshold value, typically \$1MM. The recreation district represents a significant financial burden to all residents. One that will only increase over time. This onerous proposal is essentially "an open checkbook" and represents a serious inequity for the majority of our residents. It is noteworthy that its negative impact on the market value of our homes is already being felt. There is compelling evidence of a significant drop in home values in the community. One estimate predicts over a 35% drop has already occurred, which would translate to an equivalent drop in the property tax revenues paid to Manatee County from the community

Finally, and perhaps the most egregious affront to the democratic process was the manner in which the petition vote for the recreation district was conducted. UPCA I representatives (also in violation of the CC&Rs) solicited votes door-to-door, while allowing no voice to those in the community opposed to the recreation district. Many of the residents complained subsequently of being cajoled, intimidated or simply too ill informed to deny their signature. So, the UPCA I claim of an 80% favorable vote for the RD is nowhere close to reality. Clearly a re-vote is in order, and this time should be done appropriately by mail in ballot under the supervision of Manatee County as was done for the proposed Braden River recreation district.

The approach the UPCA I has taken in these negotiations with the developer has been unilateral, without regard for the wishes of the majority of the residents. We were even threatened with overdevelopment and/or agricultural zoning if the purchase did not go through as the Developer and the UPCA I recommend.

Why then can't our community be allowed to come together and work constructively through this problem in a manner that would result in an equitable resolution? Why couldn't we pursue this problem as our neighbors at the Meadows have done; or also at the Laurel Oaks community where a equity partnership is being sought, so that the responsibility of the country club is kept independent from the residents. It shouldn't be that difficult! We should be permitted to examine more palatable alternatives before all of us being saddled with a perpetual and ever increasing financial burden!

At what point will enough become enough. Are we to always allow the ever increasing appetite for development in our area to go unabated. Please allow the people to have a voice. Deny the petition for a recreation district at University Park.

Respectfully,

Tom & Sue Lordi,

University Park

## Bobbi Roy

---

**From:** Marianne Lopata  
**Sent:** Thursday, July 26, 2018 9:30 AM  
**To:** temmerson@prospecroof.com  
**Cc:** Debbie Bassett; Bobbi Roy; Betsy Benac; Carol Whitmore; Charles Smith; Priscilla WhisenantTrace; Robin DiSabatino; Stephen R Jonsson; Vanessa Baugh  
**Subject:** University Park Recreation District PLN1805-0007/CDD18-03

[University Park Recreation District PLN1805-0007/CDD18-03](#)

Thank you for writing to share your concerns. Your email is hereby acknowledged as received by the Board of County Commissioners and will also be forwarded to staff of Building & Development Services and the County Attorney's Office for inclusion as public comments for this hearing.

As well as your written correspondence you are welcome to attend the hearing, currently scheduled for **August 2, 2018**, to offer your comments and opinions.

On behalf of Chairman Trace and the other Commissioners, thank you for your interest and participation.

### *Marianne Lopata*

Executive Administrative Assistant  
Board of County Commissioners  
Phone: (941) 745-3707; Fax: (941) 745-3790  
E-mail: [marianne.lopata@mymanatee.org](mailto:marianne.lopata@mymanatee.org)



**From:** temmerson@prospecroof.com <temmerson@prospecroof.com>  
**Sent:** Tuesday, July 17, 2018 1:24 PM  
**Cc:** temmerson@prospecroof.com  
**Subject:** University Park County Club Sale - 2 Questions regarding Ethics and Legality issues  
**Importance:** High

Good Morning Everyone,

Good Morning Everyone,

We are a home owner in University Park and have been since 2011. We are Canadian and as a resident have been looking at the entire process to date from the outside looking in relative to the decision to purchase the available assets from the 2 families. Throughout the process to date, 2 very important questions have yet to be answered from either Manatee county or from John Whyte's group and we're hoping you can resolve or at least comment on my 2 questions. I should state that my wife as well as many of the non-voting members feel neglected in a way as we pay taxes but don't have a say, yet.

Question #1 - Why they have not retained at least 2 if not 3 Florida State real estate appraisers to evaluate the assets that are available for sale. We would think that the current process creates an ethical and legal concern not only for John

Wythe's group but also for every member of counsel involved in this process? You may have already instructed John Whyte's group to do so, so let me know and we will move on.

Question #2 - Throughout the process to date, a number of very abusive tactics were utilized to usher in "YES" votes to move forward to getting their 80% vote. My question, does the Neal family currently have the zoning permission to destroy the 27 holes at University Park and the club house and surrounding assets?

I think it is in everyone's best interest to always double check the code of ethics and the legality of process before any vote is taken by the Manatee counsellors to create a RD area.

We will be in UP from July 23rd until the 3rd of August and would be available to meet anyone that could answer these questions.

Thank you for your consideration.

R. Todd Emmerson, President,  
Pro-Spec Roof Consultants & Associates  
100 Wimbledon Road,  
Etobicoke, Ontario  
M9A 3S6

416-236-2600 (Office)  
416-236-2504 (Fax)  
416-888-6285 (Cell)

R. Todd Emmerson, President,  
Pro-Spec Roof Consultants & Associates  
100 Wimbledon Road,  
Etobicoke, Ontario  
M9A 3S6

416-236-2600 (Office)  
416-236-2504 (Fax)  
416-888-6285 (Cell)

## **Bobbi Roy**

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**From:** Bobbi Roy  
**Sent:** Friday, June 29, 2018 2:26 PM  
**To:** Clarke Davis; Erin Gostkowski; Fred Goodrich; John Barnott; Margaret Tusing; Nelson Galeano; Robert Knable; Sage Kamiya; Tom Gerstenberger  
**Cc:** Tracy Trahan; Robert Wenzel  
**Subject:** FW: University Park

Tracy,

Here is another comment about U. Park Recreation District.

Thank You,  
Bobbi Roy  
Senior Planning & Zoning Technician/Planning Coordinator  
Manatee County Government  
1112 Manatee Avenue West, 4<sup>th</sup> Floor  
Bradenton, FL 34205  
941-748-4501 ext. 6878  
[bobbi.roy@mymanatee.org](mailto:bobbi.roy@mymanatee.org)

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**From:** Marianne Lopata  
**Sent:** Friday, June 29, 2018 2:23 PM  
**To:** Sue Lordi  
**Cc:** Diane Vollmer ; Bobbi Roy  
**Subject:** RE: University Park

Hello Ms. Lordi,  
Thank you for writing. The new website looks different but the agendas for commission meetings are displayed just as before (link attached) and are typically posted no later than the Friday prior to the Tuesday or Thursday meeting. The next meeting of the Board of County Commissioners is Tuesday, July 24, 2018.

[https://www.mymanatee.org/government/board\\_of\\_county\\_commissioners/bcc\\_meetings\\_and\\_agendas/](https://www.mymanatee.org/government/board_of_county_commissioners/bcc_meetings_and_agendas/)

I've checked with the planning section who believe the public hearing for the University Park Recreation District will be advertised on the August 2, 2018 BCC Land Use agenda.

Please let me know how I can be of further assistance.

**Marianne Lopata**  
Executive Administrative Assistant  
Board of County Commissioners

Phone: (941) 745-3707; Fax: (941) 745-3790

E-mail: [marianne.lopata@mymanatee.org](mailto:marianne.lopata@mymanatee.org)



-----Original Message-----

From: Sue Lordi [<mailto:smltal@yahoo.com>]

Sent: Thursday, June 28, 2018 8:58 PM

To: BCC Agenda <[bcc.agenda@mymanatee.org](mailto:bcc.agenda@mymanatee.org)>

Subject: University Park

Hi there,

I am interested in meetings pertaining to the University Park Recreation District. With the new format of your website, I am having difficulty discovering what the actual agenda is for any meeting. Would you have some advice for me on how to know when University Park is going to be the subject of a meeting? Thanks very much.

Sue Lordi

## Bobbi Roy

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**From:** Marianne Lopata  
**Sent:** Thursday, July 26, 2018 9:29 AM  
**To:** Julie Grudzinskas  
**Cc:** Debbie Bassett; Bobbi Roy; Betsy Benac; Carol Whitmore; Charles Smith; Priscilla WhisenantTrace; Robin DiSabatino; Stephen R Jonsson; Vanessa Baugh  
**Subject:** University Park Recreation District PLN1805-0007/CDD18-03

### University Park Recreation District PLN1805-0007/CDD18-03

Thank you for writing to share your concerns. Your email is hereby acknowledged as received by the Board of County Commissioners and will also be forwarded to staff of Building & Development Services and the County Attorney's Office for inclusion as public comments for this hearing.

As well as your written correspondence you are welcome to attend the hearing, currently scheduled for **August 2, 2018**, to offer your comments and opinions.

On behalf of Chairman Trace and the other Commissioners, thank you for your interest and participation.

*Marianne Lopata*  
Executive Administrative Assistant  
Board of County Commissioners  
Phone: (941) 745-3707; Fax: (941) 745-3790  
E-mail: [marianne.lopata@mymanatee.org](mailto:marianne.lopata@mymanatee.org)



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**From:** Julie Grudzinskas <[jsgrudzinskas@verizon.net](mailto:jsgrudzinskas@verizon.net)>  
**Sent:** Thursday, June 28, 2018 5:04 PM  
**To:** Vanessa Baugh <[vanessa.baugh@mymanatee.org](mailto:vanessa.baugh@mymanatee.org)>; Robin DiSabatino <[robin.disabatino@mymanatee.org](mailto:robin.disabatino@mymanatee.org)>; Charles Smith <[Charles.Smith@mymanatee.org](mailto:Charles.Smith@mymanatee.org)>; Stephen R Jonsson <[steve.jonsson@mymanatee.org](mailto:steve.jonsson@mymanatee.org)>; Priscilla WhisenantTrace <[priscilla.whisenantrace@mymanatee.org](mailto:priscilla.whisenantrace@mymanatee.org)>; Carol Whitmore <[carol.whitmore@mymanatee.org](mailto:carol.whitmore@mymanatee.org)>; Betsy Benac <[betsy.benac@mymanatee.org](mailto:betsy.benac@mymanatee.org)>  
**Subject:** RD district application for University Park CC

As a homeowner of University Park, I want you to know that I object strenuously to the proposed terms of sale of the UPCC to all homeowners.

We as non-residents of Florida could not vote on the proposal to create an RD..

We had no representation and still do not. However, I am a homeowner and tax payer in Manatee county. It has been documented that the purchase of this property is at a price twice the value of it's appraisal and we have no say in this transaction.

I urge you to reject the application for creation of an RD to encompass University Park Country Club based on the non-representation of a majority of homeowners in UPCC.

If this application is approved, demand and include in the charter that if any property purchased by the RD is in excess of \$100,000 the price must be its fair market value as determined by an independent Florida licensed MAI appraiser.

Best regards,

Julie Grudzinskas  
Whitebridge Glen Homeowner

## **MEMORANDUM IN OPPOSITION TO UNIVERSITY PARK RECREATIONAL DISTRICT**

If the Manatee County Board of Commissioners (BCC) approves the proposal for a Recreational District (RD), the initial cost to the homeowners in University Park (UP) will be at least \$23,310,000. The total cost over the next 30 years will approximate \$50,000,000 plus numerous future assessments. This will have a significant negative impact on home values, especially the more moderately priced homes that will see about a 20% increase in their yearly property taxes.

The function of the BCC is not to simply rubber stamp this proposal. If it were, the law would not mandate public hearings. The BCC's responsibility is to review the proposal and either approve it, reject it, or modify the proposed Charter. In determining whether to approve it, the BCC should look at the process that was followed in getting the necessary number of petitions requesting the formation of the RD. Here, it will be shown, based on incontrovertible documentation, that the process was unfair and biased. For these reasons, the BCC should exercise its discretion and not approve the proposed RD.

Alternatively, if it chooses to approve the formation of the RD, for reasons that will become apparent as you read on, it should insert language in the Charter that protects the UP homeowners from paying more than they should for what they will be getting.

### **THE GOLF COURSE IS NOT WORTH ANYWHERE NEAR \$12,500,000**

John Whyte, President of UPCA (UP Homeowner's Association), wants the homeowners to pay the developer/owners, Neal/Pasold (Neal), \$12,500,000 for a golf course that is worth less than half of that. The UP golf course is a 27-hole course that posts 70,000 rounds per year. In addition, Whyte wants the homeowners to pay Neal another \$4,250,000 for some more of Neal's property in UP. The homeowners will not be getting all of Neal's property in UP, as originally stated, rather, Neal will be keeping at least a substantial parcel of prime real estate with frontage on University Parkway, commonly referred to as "Tract 7."

Several months ago, Neal offered to buy The Meadows Country Club, a 54-hole golf course that posts 110,000 rounds per year and is located just four miles away, for \$7,000,000. This included 309 acres, 32 of which were already zoned residential and four of those were zoned for high density, allowing 180 units.

While real estate assessments may vary slightly from county to county, it is noteworthy that The Meadows Country Club is assessed at \$7,800,000 while University Park Country Club (UPCC) is assessed at only \$4,700,000. Neal offered \$7,000,000 for a course assessed at \$7,800,000, less than its assessed value. Whyte wants the homeowners to pay Neal \$12,500,000 for a golf course assessed at \$4,700,000, nearly three times its assessed value.

### **WHAT LED TO THE \$13,500,000 HVS APPRAISAL**

Whyte hired Darius Hatami, from Colorado, to appraise the value of UPCC. Hatami is neither licensed nor certified as a real estate appraiser in the state of Florida. Consequently, what he

did here was illegal, as will be set forth in more detail below. During a phone call in early January 2018, Hatami stated that as of that time, the "estimated market value" of UPCC was \$6,200,000. A couple of weeks later, on January 20, 2018, at the first Detail Day (document viewing day), Whyte and his Planning Group (PG) produced a report from Hatami dated October 31, 2017, two months prior to that phone call. This report indicated the "estimated market value" was \$13,500,000, not \$6,200,000. **The question arises, why would Hatami, in January 2018, confirm the value was only \$6,200,000 if he had already written the October 31, 2017, report stating the value as \$13,500,000?** The most likely explanation is that the report dated October 31, 2017, HAD NOT BEEN WRITTEN as of early January 2018. On March 6, 2018, a second Detail Day was held. At that time, a member of the group opposing the PG proposal asked Bruce Mantia, one of the members of the PG about the \$6,200,000 HVS appraisal. Mantia did not deny its existence but rather said that while some of the PG members had seen that appraisal, he had not. In April 2018, David Van Brunt, another PG member, also confirmed the existence of the \$6,200,000 appraisal.

In a series of emails in March 2018, Whyte was specifically asked if he had ever, before January 1, 2018, seen a document from HVS indicating the "estimated market value" to be \$6,240,000. Despite repeated requests, Whyte never responded to this question. (EX 14A) Since Hatami was chosen by Whyte and his PG and not by Neal, the most troubling questions are: **Why did Whyte hide the \$6,200,000 HVS appraisal from the homeowners and instead disclose only the \$13,500,000 one? And why did he want a higher appraisal from Hatami after he already had the \$6,200,000 one?**

#### **THE \$13,500,000 APPRAISAL SHOULD BE GIVEN NO CREDENCE**

Because Hatami's appraisal more than doubled from \$6,200,000 to \$13,500,000 and because Whyte was doing his best to hide this fact, the group of people opposed to the RD had the \$13,500,000 appraisal reviewed by Roger L. Hetteema, who, contrary to Hatami, is licensed in Florida. His office is in Sarasota. His entire review appraisal is attached (EX 16). That review led him to say on Page 3 "In my opinion, there are numerous errors, inconsistencies and MISSTATEMENTS OF FACTS in the final appraisal report dated October 31, 2017." In his conclusion, Hetteema wrote: "In view of the deficiencies and errors that I have highlighted, I would not advise PLACING ANY RELIANCE on the October 31, 2017 appraisal report."

Further evidence of how misleading and disingenuous Whyte and his PG have been can be seen by reading their response to paragraph 7 of (EX 3B). In paragraph 7, the opponents of the RD stated that Hatami had confirmed the current appraised value of the golf course as \$6,240,000, not \$13,500,000. Whyte responded as follows: "There is no reference anywhere in the report (the final HVS report) to an appraised value of \$6.2M, as all who have studied this report can confirm." By cleverly phrasing his response, he intentionally made it sound like there was never a \$6,200,000 appraisal when, in fact, he knew there was one, as Mantia and Van Brunt have since confirmed.

Because Hatami is not licensed or certified in the State of Florida to do appraisals, he violated Florida Statute 475.612(1) which is a crime under Florida Statute 475.626. (EX 18)

Consequently, Whyte is proposing that the amount of the RD, which is really the amount Manatee County homeowners pay, should be based upon an illegal appraisal. We disagree. The State of Florida Department of Licensing is currently investigating a complaint against Hatami for practicing without a license in Florida. A complaint has also been filed with the Appraisal Institute because it appears that many USPAP (Uniform Standards of Professional Appraisal Practice) standards were not followed by Hatami in arriving at his valuations.

We are requesting that, if the BCC chooses to approve the formation of the RD, it puts language into the Charter that requires an appraisal be done by an appraiser who is licensed or certified by the State of Florida and is both MAI and SGA (Society of Golf Appraisers). The appraiser should be agreed upon by Neal and Lorraine Buck, the leader of the group opposed to the RD. Only in this way will the homeowners be assured that the appraisal is a fair one.

NEAL HAS BEEN TRYING FOR 10 YEARS TO SELL THE GOLF COURSE WITH NO TAKERS.  
See EX 2. Whyte wants us to pay Neal \$12,500,000 for a golf course he can't get rid of.

**So, how did Whyte and his PG get over 1,000 UP residents to agree to this?  
FALSE STATEMENTS, FEAR AND INTIMIDATION**

#### **THE BEGINNING**

Last Spring, Neal contacted Whyte, the homeowner representative of UPCA, the HOA at UP, and advised that he and Pasold (Neal) wished to divest their remaining interest in UP by selling all their remaining property in UP. (EX 17) The HOA board consists of 3 members, Whyte and 2 others who were selected by Neal. This property consists of a 27-hole golf course, a clubhouse, some other buildings and tennis courts (UPCC), ponds, roads and approximately 100 acres of land, much of which is subject to easements. No specific price was mentioned.

UP has approximately 1,200 homes. About 20% of UP residents are golf members. Whyte is one of them.

Whyte, on his own, before telling the homeowners of Neal's desire to sell, hand-selected, with no input from the homeowners he represents, about 25 people to work with him on this project. Of the 25, approximately 80% are golf members. So, while 80% of the homeowners are non-golfers, Whyte's Planning Group (PG) is 80% golfers.

In its initial communication with the UP homeowners, the PG indicated that its mission statement included full disclosure and keeping all the homeowners fully informed on what was going on. (EX 1)

#### **SECRECY OVER THE NEXT SEVERAL MONTHS**

Although there were various ways the purchase from Neal could take place, the PG very quickly decided upon an RD, using 30-year bonds and ad valorem taxes. Open meetings were held monthly and emails were sent out regularly by Whyte indicating in general terms what was going on, but not giving any indication of what price was being negotiated. Was it \$2,000,000,

\$10,000,000, \$100,000,000? Neither Whyte nor the PG would say. Consequently, the homeowners were kept in the dark about the most important item - how much they would have to pay. The RD method rather than bank financing was most likely chosen, because this was the only way Neal could get more money than his property was worth. A bank loan would involve a great deal of scrutiny and a legal appraisal. This would mean that all Neal would get would be the Fair Market Value (FMV). Something he, to this day, is not willing to accept.

In an open meeting in November 2017, Whyte was asked if, as part of his due diligence, he had contacted any local developers to find out how much they would pay for the property. He said no. At that same meeting, when asked how would any financial loss of the golf course be paid for, Whyte stated that would never occur because the golf course would always be profitable. A truly optimistic supposition if ever there was one.

Between November 24 and December 8, 2017, there was an exchange of emails between a homeowner, Dick Tuley, a PG member, and Whyte. (EX 4) In these emails, the homeowner was trying to find out three things: what was the golf course worth, what was the other land Neal wanted to sell worth and how much was Neal asking. Tuley, in his email dated November 24, 2017, said that while the PG knew the answers, it could not provide them because of a non-disclosure agreement (NDA). There was no such NDA. At an open meeting in the card room at UPCC on January 20, 2018, Whyte admitted that while there was an NDA that prevented them from disclosing Neal's financials, it did not prevent them from disclosing the price that had been agreed upon months before.

So, although the PG stated on the top left corner of its website, EX 1, "Our Goal Keep University Park Homeowners informed of the progress and details of the acquisition evaluation and turnover process," they did just the opposite.

### **STIFLING FREE SPEECH**

By late December 2017, Whyte and his PG knew that many of the homeowners were upset with their secrecy. The homeowners did not know how much money was involved even though Whyte and the PG knew. In order to quell this uprising, they devised a very clever plan.

### **DIVIDE THE HOMEOWNERS**

UP consists of 32 neighborhoods. Whyte and his PG first scheduled what they termed open meetings in the UPCC clubhouse with groups of only 3 or 4 neighborhoods at a time, thus eliminating the possibility of many of their vocal opponents appearing at any one meeting. At these meetings, the PG presented its proposal totaling approximately \$23,000,000 for the first time.

### **INSTILL FEAR**

In these orchestrated and well-rehearsed presentations, they would first refer to a report that indicated that the homes in UP would lose 30 to 40% of their value if the golf course ceased to exist. What they did not disclose was that the report had been prepared by a company that Neal had hired and paid.

### **COWS AND HORSES**

Whyte and his PG then told the residents that Neal had just threatened in a letter to shut down the golf course, let it go fallow and put cows and horses on it. They also wrote the same thing in a February 4, 2018 email to the homeowners. (EX 3B, p.2 response to #5). In fact, the letter that Neal wrote (EX 3) said no such thing. Most significantly, IT WAS WRITTEN AT WHYTE'S REQUEST. (EX 3A)

Whyte, who was supposed to be acting on behalf of the homeowners, asked Neal to write a threatening letter and then exaggerated what was in the letter.

### **VIOLATION OF LAW TO SHUT DOWN FREE SPEECH**

These presentations were rehearsed and choreographed to consume about 45 minutes of each 60-minute meeting. At the end of the presentation, the PG would then only allow one question per person. (EX 5) Most of these meetings were attended by 50 to 100 homeowners. This imposed limitation of one question per person was in direct violation of Florida Statute 720.306(6) which mandates that every HOA attendee be allowed at least three minutes to talk on any item under discussion. (EX 6)

### **CHANGING HOA BYLAWS TO ALLOW SOLICITATION**

The long-established bylaws of UPCA I prohibit solicitation by members of UPCA I. However, at a board meeting on December 13, 2017, Whyte, the president of UPCA I, by resolution, amended that bylaw to allow solicitation IF DONE IN FAVOR OF his RD proposal. (EX 7) In early January 2018, Tom Lordi, a 20-year UP resident who opposed the RD, sent an email to his neighbors, soliciting nothing but merely suggesting an alternative proposal. (EX 8) Within a day or two, on January 4, 2018, he received a letter from the UPCA I Board of Directors ordering him to immediately stop "soliciting", claiming that his email was in violation of the UPCA I bylaws governing solicitation. (EX 9) So, outright solicitation in favor of the PG proposal was allowed but sending an email to a select few neighbors suggesting an alternative proposal and soliciting nothing, was not.

### **PROHIBITING USE OF THE CLUBHOUSE**

In January 2018, a member of the opposition contacted Laurie Evans, the general manager of the country club, and asked to use the same room that Whyte and the PG had used for their public meetings and offered to pay for doing so. This was the only venue in UP that would fit their needs for a public meeting. Two days later that request was declined. No explanation was given. The same request was made again by email to Laurie Evans on March 7, 2018. On March 9, by voicemail from Charles Varah, that request was denied, without explanation. (EX 9A)

### **REFUSAL TO SHARE MAILING LISTS**

By January 2018 it was clear that the PG had made up its mind as to what it wanted. It wanted the non-golfers to pay 80% of the cost of acquiring and maintaining the golf course rather than the golfers having to foot the bill. The opposition was becoming more vocal now that the amount of money (approximately \$23,000,000) was finally known. It appeared that while the

golf course was worth no more than \$6,200,000, Whyte and his PG recommended that the homeowners pay \$12,500,000 for it, more than twice what it was worth.

One of the opposition members, an HOA member in good-standing, asked Whyte if he could have access to the UPCA mailing list so that the opposition could share its position with the homeowners just like Whyte was doing. (EX 10) Not surprisingly, but without any justifiable reason, Whyte refused. (EX 11) The opposition was then told that they could not even email or mail to any homeowners to state their position because this would violate the "solicitation" bylaw. This left the growing group of concerned homeowners, whose interests Whyte was charged with protecting, very little means and very little time to raise its concerns for discussion. Later, when the petition gathering was basically over, Whyte allowed the opposition, for the first time, to "solicit," but with restrictions that did not apply to those soliciting on his behalf.

So, the question arises: Why did Whyte want this overpriced deal so badly that he would not even open it up for discussion? Do his actions appear to be the actions of a man charged with protecting the rights of the homeowners or those of someone who was helping Neal get millions of dollars more than he should?

#### **FALSE STATEMENTS TO INFLUENCE VOTERS**

On February 2, 2018, the homeowners opposing the RD circulated a document entitled 10 THINGS TO KNOW – THE FACTS. The purpose of this document was to enlighten all of the homeowners of a point-of-view different from what they had been told by the PG. This was just days before the securing of petitions began. Two days later, a response from the RD to those 10 POINTS was circulated by Dick Tuley, one of the members of the PG (EX 3B). That response contained numerous false statements meant to influence the homeowners to vote in favor of the RD. Specifically, in its response to paragraph 5, the PG stated that Neal and Varah, in their January 13, 2018 letter (EX 3) confirmed their intentions to have cows on the golf course, to let it go fallow and have multi-family houses behind every house. None of this was true. In response to paragraph 4 of EX 3B, the PG stated the PG proposal would give the homeowners "total control of all UP." This was also false. The PG proposal allows Neal to keep a very valuable 28.97-acre parcel of land within UP fronting University Parkway just west of Kohl's department store. (EX 11A)

The PG response to EX 3B paragraph 5 is very troubling in its implication. It implies to the homeowners that Neal usually gets whatever he wants from the BCC.

In response to paragraph 6, the PG indicated the price for the UPCC land would be \$12,500,000, \$1,000,000 less than the Hatami's \$13,500,000 appraisal. This price for the other items that will be acquired from Neal is \$4,250,000. So, the proposal that Whyte and his PG are pushing will give Neal \$16,750,000 plus a 28.97-acre parcel of prime real estate which is within UP and is worth millions of dollars. Because there is nothing in writing, there may be other things that Neal will get which have not been disclosed to the homeowners, including more money for the UP real estate office and the land on which it sits.

## **THE VOTE**

Rather than conduct an anonymous vote by the electors, overseen by the Supervisor of Elections, Whyte chose to use petitions. This made it much easier for him to get signatures. Many of the steps the PG took to get signatures are suspect at best. First, they sent out a "survey" supposedly to find out how residents felt about their proposal. However, by asking which neighborhood the person filling out the survey lived in, it is obvious that the real reason behind this "survey" was to find out which neighborhoods were opposed to the RD so that they could target these for their high-pressure tactics. Why else would they need to know which neighborhood the responder lived in?

Then, members of the PG and their assistants would target those opposed to their RD. They would hold group meetings in homes in those neighborhoods and ask everyone present to sign in front of all their neighbors and friends "unless they wanted to see cows and horses in their backyards."

In addition, they themselves collected the petitions and kept them in one place so they knew who had already signed and who they should continue to target to get additional petitions signed. They even held a party on Saturday, February 10, 2018, where they provided free food, as an enticement to get people to sign their petition. (EX 12) Remember, signing was a vote in favor of Whyte's proposal. If Whyte authorized HOA money to pay for this party, there might be a question as to whether this constitutes a violation of the election law. If Neal paid for it, it is even more questionable.

## **CONTINUED STIFLING**

A second Detail Day was scheduled for March 6, 2018. Beginning on February 28, Lorraine Buck and James Moran, homeowners opposed to the RD, emailed Whyte with a request that the leaders of the group who opposed Whyte's plan be allowed to have space "to share our documents, viewpoint and to answer questions." Not surprisingly, Whyte, again without any explanation or justification on March 4, 2018 said "No." (EX 13)

## **POSSIBLE FUTURE ASSESSMENTS**

The PG on page 4 of EX 3B specifically indicated that membership dues and outside revenues will more than pay for the annual operating costs of the RD, club and golf course.

If the BCC approves the RD, we request that the charter reflect what Whyte and his PG have publicly stated and that the homeowners never be subjected to any future assessments related to the golf course and country club.

## **WHYTE AND HIS PG GOT OVER 1,000 PETITIONS SIGNED WITHOUT HAVING ANY AGREEMENT OF ANY KIND WITH NEAL**

In a series of emails in mid-March 2018, Whyte indicated that there is no written agreement with Neal. (EX 15) He then stated this publicly in an open meeting on March 19, 2018. When specifically asked if there is a verbal agreement with Neal regarding what the homeowners will

get for their multimillion dollar investment, he refused to answer. The only conclusion is there is no agreement outlining what Neal will convey for this multimillion dollar proposal of Whyte's.

### **FAIR MARKET VALUE**

In April 2018 emails to Whyte and Neal, they were each asked a very simple and fair question: Would they be willing to request of the BCC that wording be placed in the Charter indicating that Neal would be paid the fair market value of his property as determined by an independent licensed Florida appraiser, MAI. Not unexpectedly, Neal said no. But what is incredulous is that Whyte, whose sole duty is to protect the interests of the UP homeowners, also said NO.

### **CONCLUSION**

The following points lead to the inescapable conclusion that there is something patently unfair that took place in procuring these petitions and attempting to get the homeowners to pay Neal millions more than is fair:

1. The fact that Whyte will not recommend that his own constituents only pay fair market value to Neal. (EX 19)
2. The fear-mongering that houses will lose 30-40% of their value espoused by Whyte based on a report by Bass and Fletcher that was paid for by Neal.
3. The false claim by the PG that Neal threatened in his January 13, 2018 letter to let the golf course go fallow, to bring in cows and horses to roam about to be followed by building 1,900 units including high-rises.
4. The fact that Whyte and his PG urged homeowners to pay Neal millions of dollars more than the golf course is worth.
5. The obvious conflict of interest in Whyte hand-selecting the PG members who are almost all golf members and then promoting a plan whereby non-golfers will pay 80% of the acquisition and carrying costs of the golf course, to the great benefit of the golf members.
6. Whyte and his PG taking extraordinary steps to suppress opposing views, including violating Florida HOA law and amending the UPCA bylaws to allow solicitation by their side but not in opposition.
7. Whyte and the PG using high-pressure and highly questionable methods to acquire signatures on their petitions.
8. Whyte and his PG, who are supposed to be representing the interests of the homeowners and not Neal, getting an appraiser who is not a licensed real estate appraiser in the state of Florida, to increase his appraised value of the golf course from \$6,200,000 to \$13,500,000, an increase of \$7,300,000 for Neal.

9. Whyte telling homeowners that Neal will be giving up all of his property in UP when, in fact, Neal will be keeping at least a 29-acre parcel of prime real estate.

Based on all of the above, it is requested that this Board exercise its discretion and not approve this proposal or, in the alternative, if it approves the formation of the RD that it incorporates language into the RD Charter that protects the homeowner taxpayers from paying more than fair market value for what they acquire.

Respectfully,

UP Homeowners opposed to the University Park Recreational District  
Email: [UPConcernedResidents@gmail.com](mailto:UPConcernedResidents@gmail.com)

EX 1



**Status Report: August 2017**

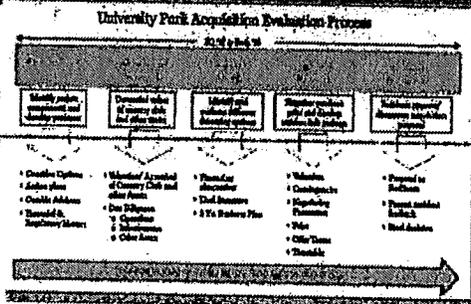
*"To negotiate the best possible deal for University Park residents recognizing the wide diversity of lifestyle interests, financial considerations and future expectations."*  
 An excerpt from the UPCA Planning Group's Guiding Principles



This is the first in a series of planned newsletters dedicated to keeping residents up-to-date on the ongoing process of evaluating the potential transition of control of University Park to its residents.

In earlier notices, John Whyte, President of UPCA, relayed that the current owners intend to sell the country club and related assets, preferably to University Park residents.

In order to evaluate a potential acquisition, a **Planning Group was formed from residents** selected for their particular backgrounds and expertise. The group has since formed various project teams investigating, analyzing and evaluating all aspects of an acquisition and turnover following the process in the graphic on the right.



To further guide the evaluation work, the Planning Group has defined a set of Guiding Principles.

**Guiding Principles**

Our Planning Group will be guided in our analysis and preparation work by the following key principles. Applying these in the course of our work we will recognize:

- that UP residents have a wide diversity of lifestyle interests, short and long-term financial considerations and expectations regarding University Park's future.
- the evolving nature of country clubs; their financial viability and the expectations of different membership levels.

An expanded description of these Guiding Principles can be found on the Resident web site at the address in the banner or at [community124.wpcite.com/residents](http://community124.wpcite.com/residents).

Since financing is such a pivotal piece in any acquisition deal, an early prime concentration has been on evaluating financing structure alternatives.

Ex 2

2

M Gmail

**UPCC Potential Purchase**

7 messages

Dick Tuley <[redacted]@mail.com>  
To: Joe Moran <[redacted]@mail.com>

Wed, Nov 22, 2017 at 2:24 PM

Joe:

Thanks for attending the UPAC meeting Monday and I appreciated your question about the re-development of the golf course property. This is an issue that is not easily understood.

The Neal and Passed families have absolutely no interest in continuing to own and operate a country club. They built this one clearly as an amenity to selling real estate and now that that phase is complete, they want to sell the club. They actually have been trying to sell the club for ten years with no takers. I think the biggest hurdle to that is the island that the country club exists on in the middle of a restricted access real estate development. I certainly would not want to own the club without controlling the gatehouse, and that is why we insist that they turnover the community to us as apart of the club sale. If we do not buy the club they will retain control of the community to 12/31/2029, clearly not good for us.

Your point that if there are no other real estate developers interested in this property needs further understanding since they have no interest in selling to anyone else - clearly they are prepared to re-develop that themselves. This is what they do. This is what they are very good at, and this is not what we want to happen. I know that I do not want to look out my lanai and see either single-family or multi-story residential structures and I would bet you share that opinion.

False  
See  
Ex 3

The bottom line is we are not purchasing a country club as much as we are finalizing the purchase of our University Park Lifestyle. There are a number of residents who do not care about the golf course, but there property value certainly does, and it's up to us to make that case to as many of our friends and neighbors that we can.

Again, thanks for attending the meeting and I look forward to speaking to you about this more and your attendance at the January neighborhood meetings where more details including cost will be discussed.

Dick Tuley

EX3

3



January 13<sup>th</sup> 2018

John Whyte  
President,  
University Park Community Association Inc.  
7671 The Park Boulevard  
University Park FL 34201

Nothing about  
COWS + HORSES!  
OR HIGHRISES!

Dear John,

We are finalizing the draft of an Agreement relating to the sale of the country club lands and other assets. It covers the principle points of discussion these past eight months together with a commitment to turn over the homeowner association to resident control upon conclusion of the sale.

Once the Agreement is executed a Purchase and Sale Agreement will be prepared encompassing all the details relating to the transfer of ownership of the assets.

There should be no doubts about the Neal/Pasold decision to sell its interest in these assets. Both families are committed to the present course of a sale to the residents; however they have also resolved that if a successful outcome is not achieved they would go ahead and close the club and prepare the land for sale to third parties for residential redevelopment.

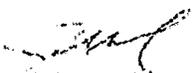
This may sound harsh but if the residents do not value the club property for its lifestyle contribution to the community and its enhancement of residential real estate value we must take the position of finding the highest and best use for the land.

There are residents who do not believe that we would obtain approval from the County to redevelop this land. The ability to do so is protected not only by County and State law but also by the Constitution and Bill of Rights of the United States of America. Development rights are furthermore maintained by the Neal/Pasold partnership as Declarant in the Declaration of Covenants for University Park as well as Manatee County Development Ordinances that have governed the development of University Park from the outset.

The success of the resident planning group campaign these next few weeks will determine a clear future for the community. We believe that the approach your group is recommending is unquestionably the best option representing the most practical way to acquire these assets without significant upfront cost.

The opportunity that exists today will not be made again. We hope that your upcoming neighborhood meetings will provide the means to demonstrate to all residents the solution being offered them and the means to control the destiny of University Park.

Yours sincerely,

  
John Neal  
Partner

  
Charles Varah  
Partner Representative

Print

EX 3A

Page 2 of 3 3A

If I am going to have to pay, say, \$1200 per year in additional taxes for a golf course I don't want, I'd be willing to pay that money to attorneys to fight with Neal. If 600 homes felt the same way, there'd be a pot of \$720,000 per year to spend on attorneys if Neal tried to close and develop the golf course.

Now that I have vented a bit, I wish you success at your meeting. I will be sending John Whyte additional questions.

Begin forwarded message:

**From:** john whyte <  
**Subject:** Re: UP Turnover Project  
**Date:** January 28, 2018 at 4:42:56 PM EST  
**To:** Larry

Larry,

The letter that I read at the Eaton meeting, was sent to me by Neal/Varah, at my request, on the morning of Jan 13, 2018.

Many residents had fed-back to myself and the Planning Group over recent months that they did not believe that Neal would close the Club and re-develop the land. So I felt it necessary to have the Neal/Pasold position set out clearly.

The letter in itself is not threatening in style, but the option that it sets out is clearly a threat if we do not consummate the deal that has already been negotiated. The letter sets out points that were made during the negotiations - but never in a threatening manner, more as a practical reality. The negotiations were carried out entirely in good faith - where both sides were direct & open about many issues.

john

EX 3B

2/6

Planning Group Response (Feb 4, 2018) to:  
10 THINGS TO KNOW - THE FACTS

1. The HOA board is made up of 3 members, 2 of whom are appointed by, and therefore represent, Neal's interests.  
How can the HOA board be trusted to act in the best interest of all the owners?
  - Statement is deliberately misleading.
  - The UPCA Board is not taking ANY role in this process and exercises NO control nor influence over the entirely resident-driven Planning Group. Note that all Board meetings are open to all homeowners to attend.
  - The UPCA Board has been controlled by Neal/Pasold for the last 25 years. This is one of the major reasons why Community Turnover to homeowner control immediately after acquisition of the Club is so important to us all. Otherwise Neal/Pasold will continue to control our HOA thru to 12/31/2029.
  
2. The HOA spent tens of thousands of dollars of our money to investigate purchasing the golf course, even though the Master Declaration prohibits the HOA from owning the golf course. The legality of the HOA spending money in this way is being investigated.
  - The one true statement above is that UPCA (our HOA) is prohibited from acquiring the country club - CCR's Article 17(3). This is one major reason why the option to acquire the country club through UPCA was rejected by the Planning Group.
  - All professional fees and expenses related to the potential acquisition of the entire Club (not just the golf course) and other land will ultimately be borne by the homeowners (through the Bond issue) but ONLY if the proposed deal goes through.
    - If the deal does not go through, all these costs will be borne by Neal/Pasold.
  - All legal fees for advice and assistance regarding our governing ordinances and Community Turnover were and will be borne by the homeowners through UPCA. These are provided for in the UPCA 2018 Budget.
  - During the many presentations to residents as well as statements in newsletters, the above statements have been made publicly and itemized to residents during "Detail Day" held on January 20, in the Varsity Club.
  - The Planning Group and the UPCA Board are unaware of any so-called "investigation".
  
3. The Planning Group told us they could not keep us advised of the status of the negotiations because of a non-disclosure agreement.....THIS WAS FALSE....there was no such NDA. They could have informed us of the price and terms being negotiated all along.
  - This statement is both misleading and untrue.
  - A NDA was signed by all involved in the due diligence examination of the Club's documents and financial information - and any use of that information in the HVS reports and in building future projections.  
This NDA is still in force for all who were involved in this phase of the work.
  - The NDA had nothing to do with the conduct of the negotiations.

Planning Group Response (Feb 4, 2018) to:  
10 THINGS TO KNOW - THE FACTS

- There was a sensible and highly appropriate mutual agreement to confidentiality during the course of the extensive information exchange, open discussions and negotiations with Neal/Pasold on land value, assets to include/exclude, terms for key items, and ultimately what each side was seeking as a price. Such confidentiality is standard practice – indeed, essential – in any transaction of this complexity.

4. The Planning Group, handpicked by John Whyte, a golf member himself, is heavily weighted - 80% are golf members. They have a direct interest in keeping the golf course open while having all of the owners pay for the purchase and upkeep of the course. They kept the price from us because they were working a sweetheart deal that would benefit them and Neal over the rest of us. Under the Planning Group proposal, the golfers get a massive windfall and every homeowner will have to pay a minimum of \$36,000 over the life of the bond. A great deal for the golfers.... a bad deal for the rest of us.

- The accusation of biased self-interest on the part of the Planning Group is spurious and totally without foundation.
- The names, membership status and professional backgrounds of the Planning Group members have been publicly reported (see resident web site) from the very outset.
- Yes, members were handpicked based on their particular expertise, record of community leadership (neighborhood chairs, UPCA committees, etc.) and willingness to contribute countless hours of their time without remuneration to a common cause for all residents.
- As soon as a firm price and the multitude of specifics were agreed upon, the information was shared with all residents through neighborhood meetings.
- Residents should judge for themselves the final agreed price of \$16.75M for 366 acres (that will give us total control of all UP) and determine if a fair price was achieved for us all.

↳ False Neal keeps 29 acres EX 11A

5. The Planning Group told us if we don't take this deal there will be cows on the golf course, the golf course will go fallow, or that the golf course could be developed with multi-family units behind every house – ALL FALSE.

- The writer of the above may believe these concerns are FALSE - but do not be misled. John Neal and Charles Varah have confirmed these very intentions to us - most recently in their letter of January 13, 2018. And more recently on February 2 to "Herald Tribune" Business Reporter Charles Wille, John Neal confirmed that if the homeowners do not conclude the negotiated transaction, the club will close very shortly thereafter.
- Our DRI & Zoning Ordinances can be changed by a decision of the Manatee County B.O.C.C. - where the Neal organizations have a considerable track record of gaining approval. While we would be able to speak against re-zoning at any public hearings, this does not necessarily mean that we could stop such rezoning.

False  
See  
EX 3

Planning Group Response (Feb 4, 2018) to:  
10 THINGS TO KNOW - THE FACTS

- Even a cursory examination of local newspapers reveals the repeated success of their requests for zoning changes before the Board of County Commissioners in both Sarasota and Manatee Counties.

The DRI requires Neal to:

- 1) "maintain all recreation and open space" within UPCC and
  - 2) "provide recreation and open space for golfers and non-golfers"
- 2) above has not been part of the DRI since ordinance 01-19 and continuing up to and including the current version 12-20.

Our attorney says there is no reason to believe the Manatee County Commission would allow Neal to change the zoning and these DRI requirements to add new and incompatible development or change the longstanding uses within University Park.

- Would you bet all our beautiful greenspace, your UP lifestyle and your home values on such a flimsy statement that carries no shred of evidence?
- All the legal and other experienced opinions and anecdotal evidence collected by the Planning Group indicate that there is indeed a high risk of such changes to UP, if we do not act now. - False
- Many litigation attorneys would love to be highly paid to try to stop a rezoning application. The advice that we have received is that the chance of actually winning such a case is low and it could be a very costly loss.
- A review of the HOA covenants clearly documents the rights of Neal/Pasold regarding the operation of the Country Club.
  - Article 17.3 - "In addition, the Country Club owner may elect at any time to suspend or terminate the operation of the Country Club."
  - Article 17.5 - "The present or future use of the Golf Course for golf course purposes may be discontinued or suspended at anytime hereafter by the Country Club Owners."

6. They want us to pay \$13,<sup>5</sup>000,000 for a golf course when no golf course in this area has sold for over \$5,000,000. They also want us to pay \$3,250,000 more to improve it to make it even better for the golfers. On top of that, the proposed district and charter could put the annual cost of running the new district and the golf course on us, the homeowners.

- All the above are false and misleading statements. For example, Pelican Pointe in Venice (a similar 1,200 home community with a 27-hole golf course) was sold for \$16.8M in 2015. It should be noted this was only for the golf course and not additional land, etc. that is included in our agreement.
- The "golf course" is only one component of the agreement. Others include tennis, fitness, restaurants, parking lot, Varsity Club - in total 266 acres of prime land. The sale

Planning Group Response (Feb 4, 2018) to:  
10 THINGS TO KNOW - THE FACTS

prices for "other" comparables are not always apples-to-apples comparison, especially regarding financial success, geographical location and condition of golf course.

- The price for the UPCC land will be \$12.5M, not the \$13.2M price listed above. This price is \$1M less than the complete valuation provided by our experts.
- None of the \$3.25M funds planned to be set aside for necessary maintenance, operating reserves and capital improvements is earmarked for anything to do with the golf course - as was clearly stated in the January presentations.
- Club membership dues and outside revenues will more than pay for all the annual operating costs of the RD, Club and golf course - as they do now.

- Put this in Charter

7. The appraised value is inflated and unqualified.
- Steve Nadeau, a member of the Due Diligence Team, and a witness both spoke with the Appraiser, Darius M. Hatami, and learned the following:
  - Mr. Hatami confirmed the current appraised value is \$6.2M, NOT \$13.2M as stated by the PG.
  - Mr. Hatami IS NOT a Certified Florida MAI Appraiser. He is not licensed in the state of Florida and has not been licensed in the state of Florida since 2010.
  - Numerous requests have been made to the PG to obtain a hard copy of the appraisal and these requests have been denied.
  - The PG was informed of this misleading information and ignored it.
  - The PG quoted selected material from the firm Bass & Fletcher, a firm that was contracted and paid for by the Seller.
  - In these types of purchase transactions (asset purchase), it is common practice to get a second or third opinion, called a Review Appraisal, which this group of Concerned UP Homeowners is willing to fund.

WHY SHOULD WE PAY MORE THAN DOUBLE (APPROXIMATELY \$7M) THE CURRENT APPRAISED VALUE FOR UPCC ASSETS?

Responses to the numerous points above are as follow:

- The final HVS report (October 31, 2017) states very clearly on the first page:
  - "It is our opinion that the 'as is' market value of the Golf Course and Club Improvements at University Park Country Club, as of July 19, 2017 is \$13,500,000."
- This report (173 pages) was professionally Certified by Darius Hatami, Managing Director of HVS Golf Services as a Member of the Appraisal Institute.
- There is no reference anywhere in the report to an appraised value of \$6.2M, as all who have studied this report can confirm.
- We are not buying a golf course. We are buying valuable land that today happens to serve as a Country Club and golf course. The appraised value of this land includes additional cash flow associated with ownership by an RD vs. ownership by Neal/Pasold.
- The report was reviewed by members of our due diligence team and (in its digital form) was made available for residents to review during "Detail Day".

False  
See  
EX 16,  
14,  
14A

Planning Group Response (Feb 4, 2018) to:  
10 THINGS TO KNOW - THE FACTS

- The report is not available in hard copy and is considered confidential because of the NDA, referred to above, and the nature of the negotiations.
- A Florida certification is not relevant. Mr. Hatami and his HVS staff have completed over 100 appraisals of golf courses, country clubs and related developments (including 27 clubs in Florida) and provide a broader scope perspective.
- In addition, Bass, Fletcher & Associates (hired by Neal/Pasold) are certified Florida appraisers, bound by professional ethics and government standards to not provide false statements, no matter who pays them. Their overall appraisal indicates land values that are very significantly higher than the value we have agreed to.
- Our due diligence team did not ignore information regarding appraisals and the statements in 7 above are untrue and highly misleading.
- We note that the price we have agreed to is significantly lower than all the various professional land appraisals obtained by both parties. Suggesting a common practice of obtaining second and third opinions is pointless.
- As noted earlier, the statement that we are paying double the "current appraised value" for the assets is clearly untrue and not based on the HVS report.

Hatami is practicing without a license.

1st HVS Rept #6.214

8. If the Planning Group was acting on our behalf, why didn't they hire a qualified appraiser who is licensed in Florida and experienced in appraising golf courses in this area, rather than a Colorado appraiser who is not even licensed in Florida?

9. The company that claimed that the property would earn Neal \$60,000,000 was paid by Neal and obviously did everything it could to arrive at as high a value as possible.

- UP land was valued at amounts between \$47M to \$80M by several experts. This wide range in value is more of a tribute to how difficult future development value is to estimate with any degree of accuracy than to who is paying the appraiser. But it confirms emphatically the favorable nature of the deal that is now recommended.
- The question of whether the appraiser is licensed in Florida is a spurious and irrelevant point.
- There is no Florida requirement to use a Certified Florida MAI Appraiser. Evaluation services in Florida are frequently provided by brokers, accountants, architects, financial experts, out-of-state appraisers and other experts.
- In fact, a truly independent highly experience out-of-state expert (like HVS Golf Services) may be a much better source of quality information.
- It so happened that HVS's (who also have significant Florida operations) top golf-property expert in the USA (Darius Hatami) works from Colorado.

But it is against the law.

10. The total lack of transparency shown by the Planning Group suggests the distinct possibility that it was not actually acting in the best interests of us, the homeowners in UPCC.

- This false accusation may be the most outrageous of all those contained in the so-called ten points.

5

Planning Group Response (Feb 4, 2018) to:  
10 THINGS TO KNOW - THE FACTS

- Hand price until just before vote
- Our degree of transparency over 8 months, can be judged from the following:
    - 36 presentations to residents, with slides posted on the web site afterwards. The sixteen January 2018 presentations were attended by over 1,100 residents
    - 30+ emails from John Whyte, UPCA President to all residents
    - 6 monthly Newsletters sent to all residents and posted on the web site
    - 2 full surveys of all resident's views. There were over 1,500 responses to the January 2018 survey.
    - 1 "Detail Day" open to all, at which PG files were available for inspection
    - Web site since summer 2017 with all the above and much more available
    - On-going effort to respond in a timely manner to all questions posed thru the web site, sent directly to UPCA in reply to emails, or sent to members of the Planning Group.
    - Hundreds of comments from residents on the high quality of our communications during the process and the transparency of our plans and ideas.

DO NOT BE RUSHED INTO THIS DEAL THAT WILL PLACE AN ADDED TAX ON YOUR HOME FOR THE NEXT 30 YEARS. YOU HAVE BEEN MISLED AND THREATENED WITH DOOM BY A GROUP THAT IS NOT ACTING FOR THE BENEFIT OF ALL HOMEOWNERS IN UP. TAKE YOUR TIME AND LEARN ALL THE FACTS AND WHAT ALTERNATIVES ARE AVAILABLE. THEN MAKE AN INFORMED DECISION BASED ON KNOWLEDGE, NOT FEAR.

YES! IT'S IMPORTANT TO KNOW THE FACTS AND LEARN WHAT THE REAL ALTERNATIVES ARE.

- IT'S ALSO IMPORTANT TO DECIDE WHERE AND WITH WHOM YOU PLACE YOUR TRUST.
- AS NOTED ABOVE, THE LIST OF "10 QUESTIONS" FROM A SMALL ANONYMOUS GROUP OFFER FEW FACTS, MANY FALSE AND MISLEADING STATEMENTS, AND NO SIGN OF THEIR PROMISED "ALTERNATIVES".

PLEASE MAKE AN INFORMED DECISION BASED ON THE FACTS AS YOU SEE THEM. THIS OPPORTUNITY TO SECURE OUR FUTURE WILL NOT COME AGAIN. THIS MAY BE OUR ONLY OPPORTUNITY TO TAKE OVER THESE ASSETS BEFORE THEY ARE GONE.

EX 4

James, J M <  
To: Dick Tuley <

ail.com>  
d@gmail.com>

Fri, Nov 24, 2017 at 8:39 AM

Dick,

Thanks for providing this info and I hope you had a nice Thanksgiving. There are 3 things that I need to know:

- 1 How much is the golf club worth as a golf club? (Apparently not much since he has been trying to sell it for 10 years with no takers.)
- 2 How much is the other property, land, roads, etc that Neal owns within UPCC worth?
- 3 How much is he asking us to pay for this?

I agree that our purchasing what Neal owns within UPCC is a good idea, but only if the price is fair. A fair price being whatever the fair market value of the golf club is plus the fair market value of the other undeveloped land and property he owns within UPCC.

If Neal's asking price is the sum of 1 and 2 above, I am all for buying it. However, if his asking price is more than that, I am absolutely opposed. Like our president, I believe in entering into fair agreements, not unfair ones.

Assuming that Neal is asking for more than the sum of 1 and 2, while I realize he has some leverage, I believe there are some substantial hurdles that could confront him if he in fact wanted to eliminate the golf course and build houses there. For example:

I would propose that we commence a lawsuit against Neal and ask for a preliminary injunction or temporary restraining order (TRO) preventing him from doing any construction or demolition within UPCC until the lawsuit is finalized. The basis for the lawsuit and TRO is that all of the homeowners who bought in UPCC were led by him or his representatives to understand that this development was and would always be a golf course community. All of us took this into account in determining how much we were willing to pay for our houses. If we had been told by his people that he could change UPCC at any time into a non golf course community and replace the golf course with more houses, multi-unit residences and/or retail stores, we would not have paid as much as we did or may have chosen to not buy here at all.

If we took this tack, I believe a judge would grant a preliminary injunction and that it would cost Neal an inordinate amount of time and money to defend against this claim. The publicity surrounding such a claim would also adversely affect his reputation. As a businessman, I think he would then realize that it would make more sense to sell to us for a fair price than to litigate for years and possibly lose in the end.

I am sure there are many other factors that could cause Neal to perhaps reevaluate his position and agree to sell to us for the fair market value and nothing more.

Finally, there are a lot of rumors going around about how much Neal wants. Some of them sound like he wants us to pay him a sum that amounts to the entire profit he might make if he were to successfully develop all the property he currently owns in UPCC. This amounts to blackmail and would be totally unfair to us i.e. to give him all the potential profit he could possibly make without requiring him to do all the work and take all the risks he would otherwise have to take to make that profit.

Please provide me with the answers to 1, 2 and 3 above, ASAP, because if UPCA is considering paying more than fair market value, I will want to sell my house before such a deal is consummated.

Sent from my iPad  
[Quoted text hidden]

Dick Tuley <[redacted]@[redacted].mail.com>  
To: Joe Moran <[redacted]@[redacted].mail.com>

Fri, Nov 24, 2017 at 10:50 AM

Joe:

I appreciate your comments and the frustration you seem to have. I had that same frustration last spring when work began on this project. I was asking first and foremost, "what is the asking price" and that there was none I balked. I was basically arguing against the process. However, after a great amount of thought, I realized the goal is much more important than the process and if the sellers insist on this process, then so be it.

So, your list is missing one very important question and it's the most important, what is the value of the country club as a real estate valuation question? Again, we may not like that, but that is the fact and we just have to accept that. Again, the goal is to preserve our property value, our lifestyle.

We have the answers to all your questions but many are bound by the Non Disclosure Agreement we all signed. So, when the deal is complete and in writing, I am sure that we will be able to share those answers. Just not quite yet - the January neighborhood meetings will be the time when this will all be put forward.

False

Your thoughts about legal steps are also important. That's why the first advisor we hired was a land-use attorney here in Manatee County to see whether the zoning and the aspects of the DRI would give us some opportunity to stop this potential redevelopment. He made it very clear that we could cause the developer some headaches but that we would lose the battle. So, do we fight with that knowledge or keeping our eye on the ball, try to negotiate a fair settlement. We have chosen the latter. Again, you may argue that but with the best legal advice available, we chose to not go down that road.

There may be a lot of rumors going around but that is what they are. They have no credibility and when we get things finalized and can communicate that information in January, I think and hope that all the issues will be resolved.

Dick Tuley  
[Quoted text hidden]



## Refusal to provide me with critical info

James J M <  
To: john whyte <

Fri, Dec 8, 2017 at 12:32 PM

I understand your position that only after you have negotiated all aspects of this matter, you will finally tell me what that deal is. You refuse to tell me now. You did not tell me yesterday, nor in your email today, WHY this is your position. I have no have no idea where this idea of yours comes from that you have the right to hide the status of the negotiations from me. You and the other members of the Planning Group have a fiduciary duty toward me and all homeowners in UPCC.

Your refusal to provide me, a person to whom you owe a fiduciary duty, with the status of the negotiations as they currently stand, is a clear breach of that duty. Because you refuse to give me this info, I cannot make an intelligent decision regarding whether to sell my house now or to wait until the deal with Neal/Passold is finalized. Your failing to provide me with this info might well cost me a lot of money if the value of my house goes down as a result of the final deal.

I cannot understand why you and the Planning Group are being so secretive about the status of the deal you are supposed to be negotiating on behalf of me and all UPCC homeowners. The fact that you are hiding from us what is going on with the negotiations, coupled with the fact that you, in an open forum at the November open meeting, admitted that the Planning Group has not even asked any developers what they would be willing to pay for what Neal/Passold are trying to sell us, leads me to question if the Planning Group is performing the due diligence required of a fiduciary.

These facts, when taken together, are causing me, as well as some others to whom I have spoken, to believe that perhaps you and the other members of the Planning Group have some ulterior motive that is guiding your actions.

James Moran

EX 5

5

- Please, one question per person
- We'll answer as many as possible. Limited Time.
- Please Identify Yourself & Neighborhood
- If Different Neighborhood, Please Hold Question
- Questions Requiring Complex Response - visit our "Detail Day", Saturday, January 20 - 9:00-2:00 in Family Club. Planning Group members available to answer questions & review copies of reports.

EX 6

4

recorded mortgage document is different from the name and address of the mortgagee or assignee of the mortgage as shown by the public record. The association is deemed to have complied with this requirement by making the written request of the parcel owners required under this subparagraph. Any notices required to be sent to the mortgagees under this subparagraph shall be sent to all available addresses provided to the association.

4. Any notice to the mortgagees required under subparagraph 3. may be sent by a method that establishes proof of delivery, and any mortgagee who fails to respond within 60 days after the date of mailing is deemed to have consented to the amendment.

5. For those amendments requiring mortgagee consent on or after July 1, 2013, in the event mortgagee consent is provided other than by properly recorded joinder, such consent shall be evidenced by affidavit of the association recorded in the public records of the county in which the declaration is recorded.

6. Any amendment adopted without the required consent of a mortgagee is voidable only by a mortgagee who was entitled to notice and an opportunity to consent. An action to void an amendment is subject to the statute of limitations beginning 5 years after the date of discovery as to the amendments described in subparagraph 1. and 5 years after the date of recordation of the certificate of amendment for all other amendments. This subparagraph applies to all mortgages, regardless of the date of recordation of the mortgage.

(2) ANNUAL MEETING.—The association shall hold a meeting of its members annually for the transaction of any and all proper business at a time, date, and place stated in, or fixed in accordance with, the bylaws. The election of directors, if one is required to be held, must be held at, or in conjunction with, the annual meeting or as provided in the governing documents.

(3) SPECIAL MEETINGS.—Special meetings must be held when called by the board of directors or, unless a different percentage is stated in the governing documents, by at least 10 percent of the total voting interests of the association. Business conducted at a special meeting is limited to the purposes described in the notice of the meeting.

(4) CONTENT OF NOTICE.—Unless law or the governing documents require otherwise, notice of an annual meeting need not include a description of the purpose or purposes for which the meeting is called. Notice of a special meeting must include a description of the purpose or purposes for which the meeting is called.

(5) NOTICE OF MEETINGS.—The bylaws shall provide for giving notice to members of all member meetings, and if they do not do so shall be deemed to provide the following: The association shall give all parcel owners and members actual notice of all membership meetings, which shall be mailed, delivered, or electronically transmitted to the members not less than 14 days prior to the meeting. Evidence of compliance with this 14-day notice shall be made by an affidavit executed by the person providing the notice and filed upon execution among the official records of the association. In addition to mailing, delivering, or electronically transmitting the notice of any meeting, the association may, by reasonable rule, adopt a procedure for conspicuously posting and repeatedly broadcasting the notice and the agenda on a closed-circuit cable television system serving the association. When broadcast notice is provided, the notice and agenda must be broadcast in a manner and for a sufficient continuous length of time so as to allow an average reader to observe the notice and read and comprehend the entire content of the notice and the agenda.

(6) RIGHT TO SPEAK.—Members and parcel owners have the right to attend all membership meetings and to speak at any meeting with reference to all items opened for discussion or included on the agenda. Notwithstanding any provision to the contrary in the governing documents or any rules adopted by the board or by the membership, a member and a parcel owner have the right to speak for at least 3 minutes on any item. The association may adopt written reasonable rules governing the frequency, duration, and other manner of member and parcel owner statements, which rules must be consistent with this subsection.

(7) ADJOURNMENT.—Unless the bylaws require otherwise, adjournment of an annual or special meeting to a different date, time, or place must be announced at that meeting before an adjournment is taken, or notice must be given of the new date, time, or place pursuant to s. 720.303(2). Any business that might have been transacted on the original date of the meeting may be transacted at the adjourned meeting. If a new record date for the adjourned

EX 7

7

MINUTES OF A REGULAR MEETING  
OF DIRECTORS OF  
UNIVERSITY PARK COMMUNITY ASSOCIATION, INC.

On Tuesday, December 13, 2017 at 10:35am, the members of the Board of Directors of University Park Community Association, Inc. met at 7671 The Park Boulevard, University Park, Florida 34201. Present were John Whyte, Ron Tobin, and Enjoli Collins, being a quorum of the Directors of the Association.

Mr. Whyte, as President served as Chairperson of the meeting, and Ms. Collins served as Secretary. Proper notice of the meeting having been given, Mr. Whyte called the meeting to order.

Ms. Collins stated as the minutes of the annual meeting of the Board of Directors held on October 12, 2017 had previously been circulated, she motioned to accept the meeting minutes as distributed. John Whyte seconded the motion. Motion carried by unanimous voice vote.

**RESOLVED**, Minutes from the 2017 Annual Board of Directors Meeting hereby approved.

Mr. Whyte introduced Beverly Latine, Accounting Manager for Community Management Systems, Inc. (CMS) presented the 2018 Neighborhood budgets to the Board of Directors; Ms. Latine stated that all Neighborhood Chairs received a copy of their neighborhood budget and all have approved either by signature or via email. Ms. Latine also informed the Directors that all Chairs were notified that the Comcast budget was moved from the Neighborhoods to the Community. Ms. Latine further provided the Directors with a copy of all the 2018 neighborhood budgets.

Mr. Tobin read the details of the neighborhoods using their estimated prior years' cash surpluses at year-end 2017 as follows:

1. Albemarle will use \$9,146 to partially fund their base assessment and \$2,549 to partially fund the reserve assessment;
2. Ascot will use \$5,000 to partially fund the reserve assessment;
3. Chelsea will use \$4,000 to partially fund the base assessment for drought free plants;
4. Devonshire will use \$6,000 to partially fund the supplemental assessment and \$1,000 to partially fund the reserve assessment for landscape allowance for storm clean up;
5. Eaton Place will use \$19,264 to partially fund the base assessment;
6. Henley will use \$3,968 to partially fund the base assessment and \$7,936 to partially fund the supplemental assessment;
7. Highgate will use \$7,590 to partially fund the base assessment;
8. Kenwood Park will use \$4,000 to partially fund the base assessment;
9. Langley Park will use \$1,612 to partially fund the base assessment; \$1,612 to partially fund the supplemental assessment, and \$1,612 to partially fund the reserve assessment;
10. Lansdowne Crescent will use \$7,938 to partially fund the base assessment, \$8,983 to partially fund the supplemental assessment, and \$3,969 to partially fund the reserve assessment;
11. Lennox Gardens will use \$15,000 to partially fund the reserve assessment;
12. Marlow will use \$4,488 to partially fund their reserve assessment;
13. Notting Hill will use \$16,188 to partially fund their base assessment, \$27,750 to partially fund the supplemental assessment, and \$2,312 to partially fund the reserve assessment;
14. Regents Park will use \$1,123 to partially fund the reserve assessment for refurbishing gas lights & mailboxes (year 1 of a 4 year program);
15. Richmond Park will use \$5,104 to partially fund the base assessment;

Mr. Whyte made a motion for the association funds of the one-time Turnover expenditures that occurred in 2017 in the approximate amount of \$40,000 and the \$40,000 budgeted for 2018 for these expenses are funded from the General Reserves Account and not out of the Operating Fund. Mr. Whyte made note that the Finance Committee was in agreement with this decision.

Upon motion duly made, seconded and carried unanimously, the Board adopted the following resolutions:

**RESOLVED**, the 2017 and 2018 Turnover expenses will be funded from the General Reserves account are hereby approved, adopted, and ratified.

Mr. Whyte read the motion and resolution as attached of the solicitation for the Recreational Development Petition and related votes.

Upon motion duly made, seconded and carried unanimously, the Board adopted the following resolutions:

**RESOLVED**, door-to-door solicitation to those persons who are duly appointed or approved by the President of the Association in effort to help with residents being contacted understand the petition or that would otherwise be beneficial and appropriate to the solicitation effort, which may include written materials.

Mr. Tobin stated that the Finance Committee received an audit proposal letter from Menchinger & Tyack, Certified Public Accountants to perform the 2017 audit that they approved the fee as it was consistent with years past; it is the Finance Committee's recommendation to the Board of Directors to approve the 2017 audit proposal.

Mr. Whyte noted that Menchinger & Tyack have provided the UPCA audit for over 15 years and to the best of his knowledge he is not aware that they have performed any services on behalf of the Declarant, the Country Club nor Neal Enterprises. Mr. Tobin confirmed that to his own knowledge this was to be true.

**RESOLVED**, upon motion made, seconded and unanimously agreed by all Directors, the Treasurer is authorized to execute the proposal from Menchinger & Tyack for the UPCA 2017 annual audit.

Mr. Whyte introduced Jim Case, Neighborhood Chair of Richmond Park who informed the Directors that he has been made aware of the buyers concerns with regards to the conditions of the driveway and has reviewed these conditions himself for the past month and can confirm that there is difficulty to gain access into the parking garage. Mr. Case made a recommendation to the board that the easement be granted with provisions that the Richmond Park Neighborhood nor UPCA will bear any costs involved and that the present easement documentation be updated.

**RESOLVED**, upon motion made, seconded and unanimously agreed by all Directors, to grant the easement of 8019 Collingwood Court was approved with the conditions that the Richmond neighborhood nor the University Park Community Association would bear any costs involved with

**RESOLUTION**

**Board of Directors**

**University Park Community Association, Inc.**

**WHEREAS:**

**(a)** it may become necessary in the near future for residents of University Park to be able to engage in door-to door solicitation of their neighbors and fellow residents for purposes of securing signatures on a petition to Manatee County for the approval of a Recreation District in the community of University Park;

**(b)** as a part of that solicitation, it may be desirable to leave explanatory written materials with the residents who are the subjects of that solicitation; and

**(c)** it may be helpful or necessary for the Association to authorize the latter activity under the relevant provisions of the neighborhood declarations – specifically, Section 10.17 concerning “Solicitation”;

**NOW, THEREFORE,**

The Board of Directors hereby authorizes those persons who are duly appointed or approved by the President of the Association to engage in the above-described solicitation effort to leave with the residents who are contacted, or in their absence, to leave on the property of such residents, such written materials as may be considered helpful to their understanding of the petition or that would otherwise be beneficial and appropriate to the solicitation effort.

↳ Only if in favor of forming an RD

EX 8

8

## Neighbors,

As you know by now the University Park Community Association (UPCAI) has formed a "Charting our Future" (COF) committee that is proposing University Park become a "Recreational District" (RD), that in turn can underwrite the purchase the UP Country Club. We sincerely believe that doing so would materially affect our property values, and our general feeling of well-being that we have come to enjoy as residents of University Park.

Understand that we recognize preserving the Country Club is a desirable objective, it's simply that the means being proposed to do so is very unattractive and ultimately unworkable. There are better alternatives. We would only ask that you consider them and reject the Recreational District proposal of the Charting our Future committee in favor of other more attractive options.

Below is a discussion that is essentially a rebuttal to the proposal to form the RD. Please consider the arguments presented, and hopefully they will help you form your opinion of the RD proposal. Of course, we urge continued cooperation with the committee so that we could together arrive at a better solution than the RD proposal which if enacted would assuredly become an unworkable encumbrance to the community:

### **Another Perspective Regarding the Proposed Establishment of a University Park Recreational District**

A Recreational District is a legal entity set up within the county government. It allows the residents of the district to underwrite bonds to fund the purchase and subsequent maintenance of the district's assets. The bonds are retired over a 30 year period by means of an ad valorem supplement to the residents' current property taxes collected by the county. This arrangement is tantamount to a 30+ year debt obligation on each UP dwelling.

In 1999 the residents of Heron's Glen in Ft. Myers formed an RD for the same purpose. They initially underwrote an offering of \$19.2MM. Subsequently, in 2006, after retiring \$2MM of the initial offering, underwrote \$26MM more to retire the balance of the initial offering and provide additional funding for infrastructure improvements, maintenance, etc. The total underwritten is thus \$28MM, constituting a material debt obligation to the residents through 2036, at least.

Underwriting the RD's bonds to purchase the UPCC, and maintain it for the life of the asset allows UP residents no access to its facilities unless they pay the UPCC membership fees in addition to the RD ad valorem tax. And, as happened at Heron's Glen, when the need for new funding inevitably arises for maintenance and/or improvements the RD board will perforce continue to underwrite new bond offerings, further increasing the residents' debt obligation without material benefit.

#### **Other points to consider:**

- **THE VOTE:** The authority to establish the RD is to be put to the vote of the UP homeowners. However, **only UP homeowners who are Florida residents, registered to vote in Manatee County, FL are permitted to participate.** Thus, as it is currently structured, non-resident UP homeowners will have no vote in the formation of the RD but will have the very real obligation to participate in the underwriting of any bond offerings of the RD board. The inevitable additional bond offerings in the future may then be issued by the elected board without further vote.

In fact, approval of the actual purchase of UPCC, which should have been the first order of business was never put to a vote of all residents..

- **HOME VALUATION:** The committee has opined that maintaining the UPCC is essential to maintaining the property values of UP. This position simply is not true. There are any number of desirable communities in the Sarasota-Bradenton area without golf that have home values comparable to UP. For example, countless communities in Lakewood Ranch have attractive home valuations that are not diminished by lack of a country club. There are many others in the Sarasota Bradenton area.
- **RESALE:** The marketability of UP homes would potentially be negatively affected by what would essentially amount to a permanent and inexorably increasing bond obligation imposed on each property by the RD Board's underwritings.
- **THE POPULARITY OF GOLF IS WANING:** Golf is not as popular as it used to be. Play is down nationally. NIKE, for example, has even stopped manufacturing golf equipment. Courses are scrambling to attract members. It is highly unlikely that UPCC can be self sustaining. The continued viability of the club without the current owner's support is far from guaranteed. Thus, should an RD be formed for an initial purchase of the UPCC, additional bond offerings will inevitably be required to sustain it, resulting in its never ending dependency on the residents of UP. The concern that an outside entity would purchase the golf course in hopes of realigning the property for more housing is overstated. Many of the holes are unsuitable for home sites. There are clearly better opportunities for land developers without their having to deal with the technical difficulties and bad PR that would inevitably result from "developing" the UPCC.

**An Alternative:**

A reasonable alternative to the formation of a Recreational District and its attendant obligations upon UP homeowners would be an outright purchase of the UPCC and it's facilities by those interested in being equity members. The UPCC would then be owned and managed by its equity members, independently from the UP residents. All "Common Areas" in UP would then be turned over to the UP HOA in accordance with the terms of the CC&Rs.

Selling UPCC to equity golf members is, of course, a great idea that unfortunately has been unsuccessful in the past. The only way it would work now is for the current owner to recognize UPCC as essentially a "white elephant", and to therefore be motivated to set a sales price that could be borne by those in UP interested in a private equity ownership. Failing that, another option is the sale to a third party which would be less attractive to the current owner because a professional golf course management company would not pay a premium price. So, the best alternative, then, is to do nothing and await an equitable settlement between the current owner and the golfers willing to participate in an equity ownership. Such an arrangement would be a clear win-win from a public relations standpoint to the current owner, and for the UP golfers who want to own the club at a price that is workable for them as equity owners.

We welcome your feedback. Thank you, and Happy New Year.

Tom Lordi, Hampton Green

EX 9

9



January 4, 2018

Mr. & Mrs. Thomas Lordi  
6422 Addington Place  
University Park, FL 34201

Mr. & Mrs. Lordi:

One of the many things that make University Park a beautiful place to live is that the deed restrictions and gated nature of the Community prevent unwanted solicitation. It has come to the attention of CMS Management and the UPCA Board of Directors that you have been distributing flyers or have had flyers distributed on your behalf by means of going door to door within the Community. Please be reminded that this type of solicitation is expressly prohibited per Article 10.17 of the Declaration of Restrictions for Hampton Green which states:

**"10.17 Solicitation: No Person shall distribute, post, or leave any paper, newspaper, brochure, leaflet, sample, item, or material on any lands, improvements, or vehicles within the Subdivision unless it is distributed, posted or left: (a) on a Lot at the request of the Lot Owner or pursuant to prior written authorization of the Association..."**

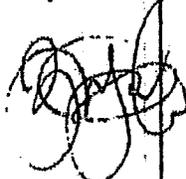
Similar language exists in each Neighborhood's Declaration of Restrictions within UPCA.

At their meeting of 12/13/2017, the Board of Directors resolved to allow door to door solicitation by those who are duly appointed or approved by the President of the Association in an effort to help with residents being contacted to understand the petition or that which would otherwise be beneficial or appropriate to the solicitation effort, which may include written materials.

As such CMS Management and the UPCA Board of Directors ask that you immediately refrain from unauthorized solicitation within the Neighborhood or Community.

Regards,

  
Steve Hatton, Property Manager  
Community Management Systems

  
Enjoli Collins, Secretary  
UPCA Board of Directors

EX 9A

92

M Gmail

james moran

**Fwd: Meeting Room rental**

2 messages

James J M  
To: LEvans@i  
Cc:

Fri, Mar 9, 2018 at 1:04 PM

Laurie,  
Would you please respond to my request of March 7 so I can schedule a meeting.  
Thank you,  
James Moran

Sent from my iPad

Begin forwarded message:

**From:** James J M  
**Date:** March 7, 2018 at 2:24:55 PM EST  
**To:** LEvans@  
**Subject:** Meeting Room rental

Laurie,  
You will recall that I contacted you about a month ago requesting to rent either the Lakeside Room or the Cardroom in the Varsity Club to hold a meeting for 50-100 people so that those of us who are opposed to the Planning Group's proposal could have an open discussion. At that time, my request was rejected. I am hoping for a different answer this time. I would like to rent either of those rooms for such a meeting on any day when one of them is available, for 2 hours, between 10 am and 5 pm between the March 19, 2018 and April 15, 2018. I am willing to pay the normal rate you charge members of the public. The purpose of the meeting will be for the reason set out above. Please respond to this email at your earliest convenience.  
Thank you,  
James Moran  
Sent from my iPad

EX 10

10

M Gmail

James Moran <

**Email communication**

4 messages

James J M <  
To: whytejo.

Fri, Feb 2, 2018 at 9:50 AM

John,

I and all residents and owners in University Park just received an email from you and the Planning Group with the proposed Petition and Charter attached. That is a much more efficient way to get relevant information to UP residents than going door to door with flyers as I requested to do yesterday.

So, I, a member in good standing of the UPCA, am asking you, as the president of UPCA, to let me use that email list and any program or app needed so that I can send an email to all members of UPCA, like you just did.

I will only use this for the purpose of providing relevant and important information concerning the proposed RD. Information which my attorney has reviewed and approved. As the president of UPCA, you know how important the decision, whether or not to approve the RD, is to every member of UPCA. By assisting me with emailing this info you will be helping them to make an informed, intelligent decision regarding whether or not to approve the proposed Recreational District.

Thanking you in advance for your cooperation,  
Sincerely

James Moran

To: whytejo \_  
Subject: Email communication

EX 11

[Quoted text hidden]

John whyte <  
To: James J M

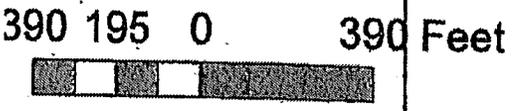
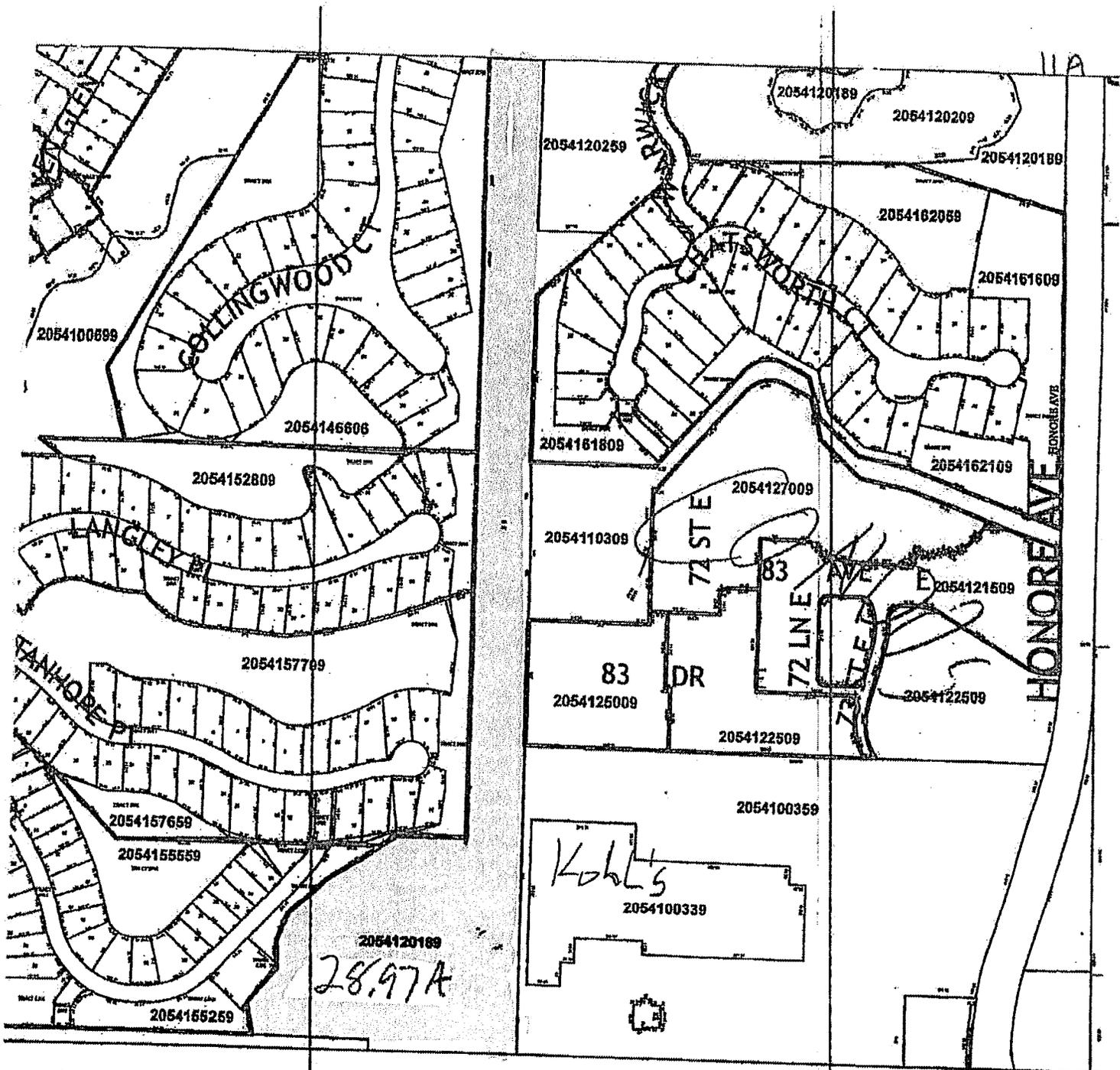
Fri, Feb 2, 2018 at 12:09 PM

No.  
We do not make our email list available to individual residents, other groups or outside organizations.  
john  
[Quoted text hidden]

James moran <  
To: John whyte

Fri, Feb 2, 2018 at 12:38 PM

I am deeply disappointed in your position. As you know, I have been very concerned about the lack of transparency by you and the Planning Group throughout this process. Now, I am concerned even more about your obvious intent to stifle my ability and that of many other UPCA members to provide relevant and important information to our entire community. As the president of UPCA, you should be doing your best to keep all UPCA members aware of the pros and cons of forming an RD and placing a 30 year multi-million dollar tax burden on all of us. Instead, you are doing the opposite. It appears that you and your hand-picked Planning Group do not want the electors to fully understand who will benefit the most if your proposal is adopted. While I am disappointed in your action, unfortunately, it is not unexpected.  
[Quoted text hidden]



EX 11A



MANATEE COUNTY PROPERTY APPRAISER  
PROPERTY INFORMATION CARD

WHO PRINTED: mtison  
Tax Year: 2018

Parcel ID: 20541.2018/9  
Owner(s): PACIFIC EQUITY ASSOCIATES  
Address: 8210 LAKEWOOD RANCH BLVD

Use Code: 9900  
Agricultural Use:  
Sc/Tw/Rg: 35/35S/18E  
Map ID: 5CN35  
Tax Dist: 0303  
UNIVERSITY I NBHD: 3740  
Ag Status:  
Revcd/reas:1/

Subdivision: 0000000  
Status Ind:  
Zone: R2  
Route: 901  
Sale V/I: IMPROVED  
Sale Date: 07/17/13  
Sale Amt: 0  
Book: 0000  
Page: 0000  
Qual Cd: DISQ-CORR/QC/TA  
Instr Type:

Location: BRADENTON FL 34202  
NO ASSIGNED ADDRESS

Short Legal Description:  
UNIVERSITY PARK COUNTRY CLUB EXPANSION PARCEL: FROM THE SE  
COR OF SEC 35, RUN N 89 DEG 27 MIN 25 SEC W, ALG THE N R/W  
LN OF UNIVERSITY PKWY, ALSO BEING THE S SEC LN OF SD SEC 35.

Special Assessments. (SA11)

Code	Name	Amount
FD03	SOUTHERN MANATEE FIRE RESC	109.14

Acres: 28.97  
Create Date: 02/20/2014  
Special Dist:  
School Dist: LINMAN;BRADER;SOUTHE  
Long Lat: 82216.337272331.890  
Census Tract: TR 000810;BL 2104

Assessed Values		Exemptions (EX11)		Total Counts: 1	
	Amount	Yrbeg	%	Amount	Status
Land Market:	28,971	10CAP	10% CAPPED S 2008	0	0
Imprv. Market:	0				
Total Market:	28,971				
3% Mkt. Capped:	0				
Final 3% Capped:	0				
Mkt. Non 3% Capped:	28,971				
Mkt. 10% Capped:	28,971				
Final 10% Capped:	28,971				
Ag Use Value:	0				
School Assessed:	28,971				
Non-School Assessed:	28,971				
Exemptions:	0				

DISCLAIMER: THIS INFORMATION IS BELIEVED CORRECT BUT SUBJECT TO CHANGE AND IS NOT GUARANTEED.

TOTAL LAND LINES: 2

Ln#	Type	Code	Front	Depth	DTb	SF	Unt	Acres	Rate	Value	Zoning	Notes	Amend	AG I1	I2	Ict
1	A	103				183845	1	4.2205	1000	4221	PD-R					
2	A	103				1078110	1	24.75	1000	24750	PD-R					

TOTAL AG LINES: 0

Line#	CA14	Line#	Crop	Type	Year Applied	Acres	Rate	Ag Value
-------	------	-------	------	------	--------------	-------	------	----------

EX 11B

EX 12

12

M Email

**It's Time To Sign**

1 message

University Park Community Association, Inc. <upcal@upcal-fl.com>  
Reply-To: "University Park Community Association, Inc." <upcal@upcal-fl.com>

Wed, Jan 31, 2018 at 3:29 PM

[View this email in your browser](#)



**To All University Park Homeowners and Residents:**

Thanks to your overwhelming vote of confidence for the Planning Group and their acquisition recommendations, we're now moving forward to Stage I in a 5 step process to establish University Park as a Recreation District and take complete control of our community's future. Over 1,500 of you filled out our survey and well over 80% were in favor of taking it to the next step. Your response blew us away.

During this month, we'll be conducting a "It's Time to Sign" awareness campaign throughout the Park. It's a concerted effort to make sure all electors in University Park have easy access to sign a petition.

In addition, we thought what a perfect opportunity for neighbors and friends to celebrate what we've accomplished thus far, together.

And what better way to celebrate than with a **PARTY!**

**Saturday, February 10<sup>th</sup>**

**4 pm – 6 pm**

**University Park Country Club Park Grille and Lakeside Room**

**Complimentary hot and cold hors d'oeuvres will be served,  
a cash bar will be open and a few surprises will be in store for everyone.**

**For those of you who have already signed a petition,  
just come and join in the sign-a-bration.**

**Petitions (and pens) will be also available for electors  
who have not yet signed.**

**Come out and join your neighbors and friends. It's a celebration you won't want  
to miss.**

**The Planning Group**

*Bob Allen, Vin Beni, Beth Bertsch, Gio Cantarella, Warren Cohen, Joe Conroy,  
Pete Conway, Dick Crouch, David Heagerty, Norma Larkin, Jim Long, Peggy Lowndes,  
Steve Ludmerer, Bruce Mantia, John Mathis, Jim Nellis, Peter Pizzi, Michael Sisti,  
Michael Smith, Pat Thompson, Dick Tuley, David Van Brunt, Frank Walker,  
John Whyte, Bob Wood*

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You are receiving this email because you are a homeowner in University Park.

**Our mailing address is:**

UPCA, Inc.

8301 The Park Boulevard

University Park, FL 34201

Add us to your address book

Want to change how you receive these emails?

EX 13

13

On Thu, Mar 1, 2018 at 1:42 PM, john whyte  
<...>  
wrote:

Lorraine,

This was truly an unexpected request.  
After the attitude and behavior of members of your group  
over last few months it would be, from where we are now, a  
giant leap of trust to agree to this.  
In itself a different view point is not the issue.

If you are serious, then first we would need to meet and  
start to build that trust and understanding.  
We are open to dialogue.

john

> On Feb 28, 2018, at 8:48 AM, Lorraine Buck  
<...>  
> wrote:

> Hi John,

> During the second Detail Day scheduled for March 6,  
would it be possible for those of us with a different viewpoint  
to have space to share our documents, viewpoint and  
answer questions?

> Thanks, in advance, for your reply.

> Lorraine  
>

Lorraine,

There seem to be some fundamental misunderstandings of the overall process we are going through in your insulting and pejorative comments below.

As I said before "If you are serious, then first we would need to meet and start to build that trust and understanding. We are open to dialogue."

John Whyte

On Mar 4, 2018, at 11:46 AM, Lorraine Buck wrote:

John,

I am not surprised that you've chosen to reject the request of those in opposition to your position to have space on Detail Day, March 6, to share our documents, viewpoints and to answer questions.

This action is consistent with the actions of your team to systematically shut down anyone asking pertinent questions related to this real estate transaction. In addition, your team has failed to produce documents that an investor needs to review for such a transaction including a certified Florida MAI appraisal, a survey of the property and a 5-year pro-forma with scenarios that take into consideration the depreciating assets and waning interest in golf. The actions by your team speak volumes as to the true nature of this deal.

I have conducted business all over the world and have never experienced such blatant disregard for process and transparency.

Regards,

Lorraine

M Gmail

**Detail Day**

3 messages

**James J M**

To: whytejo(

Sun, Mar 4, 2018 at 6:43 PM

Mr. Whyte:

Since Lorraine Buck cannot get a simple yes or no answer to her request, I thought I would give it a try.

Our request has nothing to do with building trust. Quite frankly, based upon your actions and words, none of us has any trust in you or your PG.

Our request is very simple, will you allow us, those in opposition to your position, on Detail Day, March 6, to have space to share our documents, express our viewpoints and answer questions. A simple yes or no response will do.

James Moran

Sent from my iPad

**john whyte**

To: James J M

Cc: lorrainebuck

Sun, Mar 4, 2018 at 7:59 PM

No.

john

[Quoted text hidden]

EX 14

M Gmail

**Appraisal**

1 message

**MARY LEFLAR**

To: James Moran

Fri, Mar 9, 2018 at 11:27 PM

Joe,

In a telephone conversation in early January 2018 Darivus Hatami of HVS confirmed that the as is value was 6.2 million. He also confirmed that he would be in Sarasota the next Wednesday or Thursday. That date would have been the week after we had our meeting. Since I had heard this conversation I asked at the meeting if we had a Florida MAI appraiser and was told yes. As you know Darivus does not have his Florida license.

Mary Leflar

EX 14A

14A

M Gmail

**HVS REPORT**

James J M.  
To: whyte?  
Cc:

Sat, Mar 17, 2018 at 9:31 PM

John,  
In the HVS report dated October 31, 2017, which you have allowed all homeowners to see, it states "estimated market value \$13,496,000."

At anytime before January 1, 2018 did you or any members of the PG see a document from HVS that stated "estimated market value \$6,240,000"

Your prompt response would be appreciated.  
Thank you,  
James Moran

M Gmail

**HVS REPORT**

**James J M**  
To: whyte  
Cc:

Mon, Mar 19, 2018 at 4:35 PM

John,  
Would you please respond to this. Many people are eager to know your response. It is a simple yes or no question.

James Moran

Sent from my iPad  
[Quoted text hidden]

M Gmail

**HVS REPORT**

**James Moran**  
To: whyte

Tue, Mar 20, 2018 at 7:32 PM

Your refusal to immediately and vehemently deny ever seeing such a document leads all of us to conclude that you did in fact see the HVS \$6,240,000 estimated market value before January 1, 2018.  
Thank you

Sent from my iPhone

On Mar 17, 2018, at 9:31 PM, James J M

wrote:

[Quoted text hidden]

EX 15

15

M Gmail

**Framework for agreement**

**James J M**  
To: john whyte

Thu, Mar 8, 2018 at 12:19 PM

John,

You and your PG have been telling me and the other UP homeowners that there is an agreement with Neal/ Passold involving them selling all their remaining property in UP. You have openly stated many of the terms including \$13.5 million for the country club, \$3.25 million for required repairs, the estimated cost of 30 yr bonds, etc.

All I want to know is : is there in fact such agreement, is it in writing, if not, what are all the terms. If it is in writing, whether signed or not, I would like to see it. Again, I am specifically referring to the agreement that you and the PG were referring to in your open meetings with all the neighborhoods in January.

If there is no such agreement in writing or otherwise, please advise.

James Moran

Sent from my iPad

On Mar 8, 2018, at 8:25 AM, john whyte <

wrote:

[Quoted text hidden]



## Framework for agreement

John whyte  
To: James J M

Fri, Mar 16, 2018 at 1:46 PM

There is presently no written agreement, not even in proposed draft format.

AMAZING

john

On Mar 16, 2018, at 12:27 AM, James J M

wrote:

John,

What is the problem? Where is the agreement? Why haven't you sent it to me?

Stop evading this and send me a copy.

Thanks,

James Moran

Sent from my iPad

On Mar 12, 2018, at 8:53 PM, James J M

wrote:

Please respond to my Mar 8, 2018 8:31 AM email.

Your PG at the meetings in January told all of us about an agreement you had with Neal/Passold where the RD would pay \$13.5 mil for the course plus an amount for the other land, water rights, reserves, etc. totalling around \$23 million

There is no need for you to be smarmy or evasive about this. I want to see a copy of that agreement or whatever you call it. If there is no such agreement tell me.

If I was misinformed, it was by your PG.

James Moran

Sent from my iPad

[Quoted text hidden]

M Gmail

---

## Framework for agreement

---

James J M  
To: whyte  
Cc:

Sat, Mar 17, 2018 at 12:25 PM

John,

When you say "presently" there is no written agreement, it leads me to another question and that is, was there ever anything in writing, whether signed or otherwise, setting out the terms under which Neal/Passold would transfer the golf course and other assets over to the RD once the RD was formed? Again, if it was in writing, whether signed or not, I would like a copy.

If it was never in writing but if in fact there was a verbal understanding, then tell me in writing what all the terms of that verbal understanding.

If I cannot get a straight answer out of you on this issue, since this issue is what you and your group said would be the deal with Neal, I may have to go to the newspaper with our email thread on this issue and see if they can get this info from you.

I find it hard to believe that you have somehow convinced so many residents to approve a \$23+ million proposal, the terms of which are not now and apparently have never been in writing.

I have been trying to get this info out of you for 11 days. Please answer ASAP.

Thank you,  
James Moran

Sent from my iPad  
[Quoted text hidden]

**M** Gmail

---

**Framework for agreement**

---

**James J M**  
To: whyte  
Cc:

Mon, Mar 19, 2018 at 12:59 PM

John,  
Would you please respond to this request. Quite a few people are waiting for your answer.  
James Moran

Sent from my iPad  
[Quoted text hidden]

M Gmail

---

**Framework for agreement**

---

James Moran  
To: whytej

Tue, Mar 20, 2018 at 7:52 PM

You stated in a public meeting yesterday that there was never any written agreement or even a written memorandum of agreement with Neal. That, coupled with your failing to indicate to me and other homeowners that there was ANY VERBAL agreement with Neal, means that you never had any agreement of any kind with Neal regarding him selling his property in UP. That means that none of the things you told all the UP homeowners regarding what we were paying \$23,000,000+ for was ever agreed to by Neal. This is indeed shocking to say the least.

Thank you

Sent from my iPhone  
[Quoted text hidden]



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**COMMERCIAL REAL ESTATE  
VALUATION ADVISORY SERVICES**

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*An Appraisal Review Report  
of an Appraisal Report # 2017-46-1526  
Dated October 31, 2017*

*Prepared by*

*HVS Golf Services  
Darius M. Hatami, MAI  
on*

*The University Park Country Club  
Located at  
7671 The Park Boulevard  
University Park, Florida*

*For  
Lorraine Buck,  
Concerned University Park Homeowners*

*HS File No. 218C024*

Please

Read



blue  
highlights

1st



**APPRAISAL REVIEW REPORT**

**SUBJECT PROPERTY**

The University Park Country Club  
7671 The Park Blvd  
University Park, FL

**APPRAISAL FIRM**

HVS Golf Services  
1007 Pearl Street, Suite 240  
Boulder, Colorado 80302  
Appraiser: Daruis M. Hatami, MAI, Managing Director

**APPRAISAL CLIENT**

John Whyte  
University Park Community Association, Inc.  
7671 The Park Blvd  
University Park, FL

**REVIEW CLIENT AND INTENDED USER**

Lorraine Buck, Concerned University Park Homeowners

**PROPERTY TYPE**

University Park Country Club – 27-Hole Golf Course, Clubhouse and Accessory Buildings, Tennis Facility

**INTEREST APPRAISED**

Fee Simple Estate

PROPERTY DESCRIPTION

IMPROVEMENTS DESCRIPTION

**Year Opened:** 1991  
**Property Type:** Semi-Private Golf Club  
**Golf Holes:** 27, regulation golf course  
**Golf Architect:** Ron Carl  
**Clubhouse Building Area:** There are a total of 10 buildings that comprise the Clubhouse Campus and maintenance buildings, which total 47,355 square feet  
**Food and Beverage Facilities:** The Park Grill and Café, with casual and fine dining  
**Additional Facilities:** A tennis center with 11 lighted Har-Tru courts, fitness center and pro shop.

LAND DESCRIPTION

**Area:** 261 acres, or 11,384,406 square feet  
**Zoning:** PDR - Planned Development Residential  
**Assessor's Parcel Number(s):** 1918700259, 1919900259, 1919900309, 1920100109, 2054100729, 2054100759, 2054101109, 2054105209, 2054120209, 2054120259, 2054134354, 2054137050

REPORTED HIGHEST AND BEST USE

The existing golf course improvements

REPORTED MARKET VALUE ON APPRAISAL DATE - \$13,500,000

SCOPE OF THE REVIEW PROCESS

This is a desk review report that, based on my discussions with the client, has as its purpose quality control and confirmation. As such, I am to review the final appraisal report for compliance with the Uniform Standards of Professional Appraisal Practice (USPAP), analyze the income analyses and confirm the sales' information reported by the appraiser. I will provide a general opinion of whether I believe the report complies with USPAP and the Appraisal Institute, but only a duly appointed review committee can determine whether USPAP or Appraisal Institute Ethics or Standards of Practice have been violated.

*I did not contact the appraiser in this instance; rather I have listed any specific compliance issues and/or necessary corrections in the results section of this report.*

The scope of work to be performed does not include providing my opinion of market value for the property. As such, the scope of my work involves concluding whether or not the value opinion stated in the report is adequately supported or otherwise appropriate and reasonable, given the data and analysis presented. This work will otherwise be performed following those guidelines in Standards Rule 3-1 and 3-2 of the Uniform Standards of Professional Appraisal Practice (2017 edition).

## DATE OF REVIEW

The effective date of the opinion in the report under review is July 19, 2017. The date of the review is April 2, 2018.

## PURPOSE AND INTENDED USE OF THE REVIEW

The purpose of the review is to provide an opinion as to the adequacy and relevance of the data and the appropriateness of any adjustments to the data and to verify compliance with the Uniform Standards of Professional Appraisal Practice as promulgated by the Appraisal Foundation. The results of this desk review report are to be used by the client as necessary in analyzing various options the University Park Community Association is exploring concerning the subject property.

## CONFORMANCE STATEMENT

This review has been performed in conformance with my understanding of the appraisal standards and guidelines set forth by the Uniform Standards of Professional Appraisal Practice and the Appraisal Institute. This review also complies with the Appraisal Standards of the State of Florida and constitutes a certified review since Roger L. Hetteema is State-Certified General Real Estate Appraiser RZ45.

## DESK REVIEW CONCLUSIONS

In my opinion there are numerous errors, inconsistencies, and misstatements of facts in the final appraisal report by HVS dated October 11, 2017. These will be highlighted and discussed on the following pages.

### Market Supply Analysis and Demand – Section 5:

This section is a very thorough analysis of the golf market both nationally and regionally. It goes through the ups and downs of the golfing demand. Highlighted excerpts from the HVS report are shown on the next few pages.

**A nationwide surge in golf course construction occurred in the 1960s, with an average of 380 new golf course openings a year. Growth leveled off in the 1970s after the amount of course construction began meeting golfers' demand. High development costs arising from economic conditions and competition from tennis, racquetball, jogging, and other more active sports, as well as the effects of the energy crisis, also contributed to the slower growth rate of golf course construction in the 1970s. The industry was largely stagnant in the 1980s, with several years of decline in the number of private golf courses. The 1990s saw renewed growth in golf course development, driven by the public development sector. In the early 2000s, golf development continued, but midway through the decade the market started to turn, and development slowed significantly. Golf course closures increased starting in 2003, and there were over 100 closures a year from 2006 through 2015.**

While new construction is expected to remain below 50 to 60 golf courses a year, closures are expected to continue at a similar pace of around 100 a year. The following table illustrates course closures from 1993 to 2015, showing a closure rate between 20 to 40 courses on an annual basis through 2002. The closure of golf courses then escalated by 400% to 500% during the period from 2002 to 2015. It is anticipated that there will be a net loss of around 75 to 125 golf courses in the next few years before the markets stabilize.

There is, however, continuing evidence that the development of private golf clubs is beyond saturation in a majority of U.S. markets. In fact, many private golf courses have effectively become semi-private, seeking revenue sources and allowing limited public play.

The oversupply of golf courses also dictates that the competition for golfers will remain high, and the likelihood that a new golf course can attain sufficient predatory demand is low in many markets. Furthermore, the ability of a real estate

development to attract non-resident members to its club has also waned. The result is that for new golf course development to be successful, the developer

the percentage of the U.S. population that participated in the sport. Since 2007, the number of golfers in the U.S. has declined by a net loss of 690,000 golfers annually,

20% from the peak just a few years earlier. This decline in golfers per course has led to a loss of market share for many golf courses. The following chart makes evident

The decrease in supply, caused by facility closures as well as muted supply growth, should enable rounds per course to improve in the future. Additionally, socioeconomic forces in the U.S. will drive the future of the golf industry. The aging of the baby boom generation, those born between 1944 and 1962, has long been touted as a panacea for the troubles facing the golf industry. The theory ran that when this generation hit retirement age, they would fill the golf courses and provide unprecedented demand. This demand has yet to materialize en masse. However, as fewer baby boomers have either desired to retire or had the means to do so,

There is the potential for future increases in this demand, as well as several factors that may mitigate it. The events of September 11th, 2001, started to reorient the priorities for families across much of the country. The emphasis shifted to providing recreation for the entire family, and away from activities in which only one or two family members engaged. As golf has not developed into a family activity, this trend has inhibited the growth in the number of golfers, as well as people's propensity to golf.

There is growing evidence that for many people, time is becoming as valuable as money, and time thus factors into many recreation choices among individuals. Golf is a very time-consuming sport, which has mitigated the matriculation of demand.

Another overlooked obstacle to increasing the level of play at golf courses within the U.S. is the internationalization of golf. Until very recently, the number of quality golf courses that could be accessed abroad was relatively minor. As the industry has grown more competitive at home, opportunities abroad have also been increasing at an exponential rate. This has had the impact of siphoning off some of U.S. resident demand, as well as cutting into the demand for U.S.-based golf vacations. This trend is likely to be inflated in the near future as golf development is being built

These newer, high-end, daily-fee courses along with the realignment of social priorities and economic difficulties have all had an impact on the private club market. Therefore, similar to the market for public golf, private clubs, particularly high-end private clubs, have been affected on both the supply and demand sides. These factors have put significant downward pressure on initiation fee pricing and have caused many members to resign their membership.

The most recent financial crisis further affected the demand for golf, creating a great level of stress on the financials of existing golf courses, opening up many private country clubs to the public, and reducing the costs to play golf to the point that it made sense for many would-be members to use the public golf course, as opposed to joining the private club.

A realignment of the private club market is not likely to occur in the near future as it does not appear that there will be relief on either the supply or demand side. While

immediate families and spouses. The oversupply in the private club sector has had the effect of reducing any potential latent demand, and the prospects for future clubs lie primarily in their ability to generate predatory capture or to induce demand from within their developments.

PGA PerformanceTrak in cooperation with NGCOA is the largest single source of rounds played data in the industry. Primary contributors of this monthly data are PGA Professionals and NGCOA members along with other allied partners. This PerformanceTrak data is shared and combined with data from other industry contributors including Golf Datatech to prepare the National Rounds Played Report.

- Average rounds peaked in 2000.
- Average rounds have been declining ever since.
- Average rounds decreased further in 2010, and at a greater rate.
- The 2010 decrease was partially weather induced.

The PGA tracked golf rounds played through 2015. As illustrated in the chart above, the data show that:

- Average rounds stabilized in 2015.
- In 2012, rounds increased by 8.9% nationally, while 2013 experienced a 4.9% decline and 2014 an additional 0.3% decline. Rounds grew by 0.05% in 2015. Round play has been very consistent the past five years except for the 2012 increase.
- Average rounds played per course has remained steady since 2009, averaging between 23,500 and 24,750 rounds played per course.
- Florida average rounds played per course has held fairly steady since 2009, stabilized at around 33,000 in 2013, 14 and 15.

Golf Datatech is now tracking rounds play, but only reports the amount of change on a monthly and annual basis. In 2015, national rounds play rose by 1.8%, while in 2016, they rose by .5%.

These excerpts from the HSV report provide a very comprehensive and thorough analysis of the golf market which is struggling to maintain itself and attract new participants. These excerpts say at the very least that most golf clubs are seeing stable or declining membership yet the HVS cash flow projections show increases in membership and rounds played in the next three years before stabilizing with increasing income thereafter.

Another area of concern is in the assumptions made in preparing the forecast of income and expenses Figure 9-18 on page 9-28 in the report. There were several key expense items where the appraiser made unsupported changes that significantly enhanced pro forma income as noted in the following comments:

9-22 Merchandise/Retail Cost of Goods Sold – Historically 71.1% which is reasonable yet reduced to 65% for entire projection. Effect from 2016 is a reduction in this cost of \$21,000 or 8.6% – In the pro forma for 2017-18 this expense reduction is approximately \$24,000

9-22 Food and Beverage Cost of Goods Sold – Historically was 38.4% yet was reduced to 35% for the entire projection period. Effect from 2016 is a reduction in this cost of \$64,500 or 8.9% – In the pro forma for 2017-18 this expense reduction is approximately \$68,000.

9-22 & 23 Golf Operating Costs – This cost was \$295,000 in 2016 yet is being reduced to \$196,000 for 2017/18, a reduction of \$99,000 or 29.5% and will only get to \$221,000 in the tenth year still 25% below the 2016 figure.

9-24 Food and Beverage Wages and Benefits – This expense was \$1,070,700 or 56.4% of F & B Sales in 2016 yet the pro forma is set at 42% per year for 2017/18 and the remaining years. The effect for 2016 would have been a reduction of \$273,500 and for 2017/18 this represents an expense reduction of \$288,000.

These four adjustments to expenses have the effect of increasing net income for the 2017/2018 period by \$479,000. Using the HVS cap rate of 10%, this increases value by some \$4,800,000 just in the next year.

The net operating income for the subject for 2017/2018 is \$247,000 and this jumps to \$251,000 the next year (a 1.6% increase) and then to \$1,117,000 the next year (a 345% increase) before increasing at about 4% per year thereafter. As result, the Discounted Cash Flow Analysis shows a current market value based on these cash flow projections of \$13,500,000 on page 2-16. Not in the July Gold Study Report the value by DCF was \$6,200,000 as shown below. The only way this can be reconciled is that the cash flow projections were increased dramatically as the procedure used to value the cash flow was consistent.

**FIGURE 26 TOTAL PROPERTY YIELD - FREE AND CLEAR DISCOUNT RATE  
DISCOUNTED CASH FLOW ANALYSIS**

Year	Net Income	Discount Factor @ 10.7%	Discounted Cash Flow
2017/18	\$247,000	0.90334	\$223,182
2018/19	\$251,000	0.81603	\$204,827
2019/20	\$1,117,000	0.73719	\$823,410
2020/21	\$636,000	0.66680	\$423,257
2021/22	\$659,000	0.60184	\$396,320
2022/23	\$684,000	0.54239	\$370,378
2023/24	\$717,000	0.48887	\$348,354
2024/25	\$777,000	0.44042	\$341,540
2025/26	\$826,000	0.40050	\$330,885
2026/27	\$8,891,000 *	0.36185	\$3,216,357

Estimated Market Value \$13,500,000  
 (S.A.) \$6,200,000

**Reversion Analysis**

11th Year's Net Income	\$910,000
Capitalization Rate	11.0%
Total Sales Proceeds	\$8,272,727
Less: Transaction Costs @ 2.0%	165,455
Net Sales Proceeds	\$8,107,273

\*10th year net income of \$851,000 plus sales proceeds of \$8,107,273

In reading the report there is no written support for why these changes were made other than to show they fit in a wide range of industry statistics. The club has been in operation a long time and to my knowledge, well managed. These changes are significant and should have been explained in more depth.

The Sales Comparison Approach is where this appraisal report seriously breaks down with a number of egregious errors of either omission or commission. The report relies on the following chart of sales comparables to support the value from the Income Approach.

Review of Comparable Sales      The following table sets forth details of the transacted properties and the subject property.

FIGURE 10-2 COMPARABLE SALES

Sale No.	Property	Location	Club Type	Sale Date	Price	Holes	Price/Hole
1	University Park Country Club	Atlanta, GA	Resort Private			27	
2	Pasadena Yacht Club	Sarasota, FL	Private	Sep-18	\$7,000,000	19	\$368,421
3	Wanderers Club	Sarasota, FL	Private	Jan-18	\$8,885,000	18	\$493,611
4	Abacoa Golf Course	Jupiter, FL	Daily Fee	Jan-14	\$8,500,000	18	\$472,222
5	Venetian Golf and River Club	Venice, FL	Private	Jan-15	\$16,850,000	18	\$936,111
6	Club of the Pines	North Fort Myers, FL	Private	Aug-14	\$8,500,000	18	\$472,222
7	Laguna Club at Orange Lakes	Orlando, FL	Private	Oct-13	\$7,850,000	18	\$436,111
Initial Sale Price per Hole					\$391,359	To	\$936,111
Initial Sale Price Subject Property (per HVS Report)					\$10,207,500	To	\$567,083
					\$10,207,500	To	\$567,083

It is also interesting to note that the "sales comparables" shown in the above chart were the highest of the 31 sales shown in Figure 10-1 where the average sales price per hole was \$238,054. The following information was found through simple verification of the sales and the result was **NONE. REPEAT NONE of the comparables sale information was accurate!!!**

Notes on Sales Approach

Pasadena Yacht Club – This comparable is incorrectly shown as selling for \$7,000,000 when it actually sold for \$5,155,000 (ORB 19364, page 1622, Pinellas County) or \$286,388 per hole.

Wanderers Club – There is no such club in Sarasota. This club is actually in Wellington, Florida in Palm Beach County. This is a significantly superior area.

Abacoa Golf Course – There is no such club in Bradenton. This club is actually in Jupiter, Florida in Palm Beach County.

Venetian Golf and River Club, Venice – This club did not sell. This comparable is actually the sale of Pelican Pointe Golf and Country Club in Venice. I am very familiar with this comparable having appraised it in the past. This club is not comparable to the University Park club because all of the homeowners in Pelican Pointe must belong to the club at least at a fitness and social level and pay a monthly fee. This creates significant annual cash flow and this is why this sale was the highest. Also HVS has this sale wrong. Pelican Pointe has 27 holes so its price was actually \$624,074 per hole, not \$936,111 per hole as reported by HVS.

Club at the Strand - ~~There is no such club in North Fort Myers.~~ This club is actually in Naples, Florida in Collier County in a superior neighborhood.

Legacy Club at Alaqua Lakes - ~~There is no such club in Bradenton.~~ This comparable is actually in Longwood, Florida in Seminole County.

~~The Sales Comparison Approach in this report simply cannot be relied upon due to the many errors.~~

Land Value as if Vacant: The report properly uses a hypothetical condition to report a value of the underlying land if the golf course were removed. I also reviewed the opinion letter by Mark P. Barneby, Esquire that outlines the many challenges the owner of the land would face in changing the land use regulations to allow removal of the course and the development of a residential subdivision. Such an action would require one or more public hearings and I am sure the University Park homeowners would mount a serious challenge. The prospects of this scenario occurring seem very unlikely.

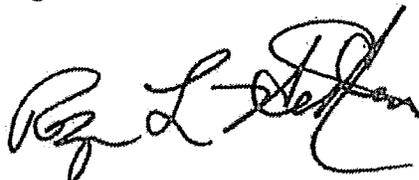
Snell and USGA Reports: The appraisal does not address the age and condition of the improvements and course. These reports would suggest that some refurbishments will be likely in the coming years and this was not addressed in the report. As stated in the market comments in the report, some upgrading may be necessary to retain members and attract new ones.

## CONCLUSION AND CLOSING COMMENTS

A number of assumptions contrary to historical performance of the club were made in the report that were not adequately supported or explained that have the effect of increasing pro forma income. The findings in the initial July report led to a concluded as is value of \$6,200,000 on a cash flow projection drastically different (much lower) than the one which appeared in the final report in October that resulted in a value of \$13,500,000. The appraiser should be required to give a full and detailed accounting of what led to the dramatic difference. In his certification, Darius Hatami does not identify anyone who contributed significant professional assistance in the preparation of the report but he does certify in item 8 that he "participated in the analysis and reviewed the findings." I suspect this is not solely his own work but by signing he is nevertheless responsible.

~~In view of the deficiencies and errors that I have identified, I would not advise placing any reliance on the October 31, 2017 RVS appraisal report.~~

Signed:



ROGER L. HETTEMA, MAI, SRA

State Certified General Real Estate Appraiser R2245

April 2, 2018

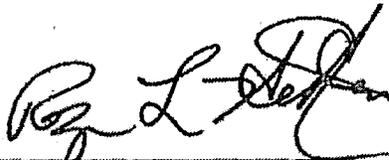
Certification — Appraisal Review Report #218C024

Appraisal Report Reviewed:: Appraisal Report by HVS Golf Services, Darius M. Hatami, MAI  
Dated October 31, 2017 on the University Park Country Club.

I hereby certify that to the best of my knowledge and belief:

- The statements of fact contained in this report are true and correct.
- The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions, and is my personal, impartial and unbiased professional analyses, opinions, and conclusions.
- I have no present or prospective interest in the property that is the subject of the work under review and I have no personal interest with respect to the parties involved.
- I have performed no services, as an appraiser or in any other capacity, regarding the property that is the subject of this review report within the three-year period immediately preceding acceptance of this assignment.
- I have no bias with respect to the property that is the subject of the work under review or to the parties involved with this assignment.
- My engagement in this assignment was not contingent upon developing or reporting predetermined results.
- My compensation is not contingent upon developing or reporting predetermined assignment results or assignment results that favors the cause of the client, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal review.
- The reported analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the requirements of the Code of Professional Ethics and the Standards of Professional Practice of the Appraisal Institute.
- My analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the requirements of the Uniform Standards of Professional Appraisal Practice (USPAP), and the State of Florida.
- The use of this report is subject to the requirements of the Appraisal Institute relating to review by its duly authorized representatives.
- As of the date of this report, I, Roger L. Hettema, have completed the continuing education program for Designated Members of the Appraisal Institute.
- State-Certified General Appraiser: The use of this report is subject to the requirements of the State of Florida relating to review by the Real Estate Appraisal Sub-committee of the Florida Real Estate Commission.
- No one other than the signatories to this report provided significant professional assistance in its preparation.
- This is a desk review. I have not made a personal inspection of the property that is the subject of the report reviewed.

Date Signed: April 2, 2018



ROGER L. HETTEMA, MAI, SRA  
State-Certified General Real Estate Appraiser RZ45

## APPRAISER'S QUALIFICATIONS

Roger L. Hettema - MAI, SRA  
State-Certified General Appraiser RZ45

Roger L. Hettema is a director with Hettema Saba Commercial Real Estate Valuation Advisory Services, 3307 Clark Road, Suite 203, Sarasota, Florida. He is a MAI, SRA designee of the Appraisal Institute, a licensed Real Estate Broker (Certificate #0039087), and a State-Certified General Real Estate Appraiser RZ45 by the Florida Real Estate Appraisal Board, and is currently certified in all. Hettema has participated full-time in real estate appraisal and consultation since 1976. Employment prior to this time was concentrated in land development and construction and general real estate activities.

Email: [roger@hettemasaba.com](mailto:roger@hettemasaba.com)

### General Education Background

1971	University of South Florida, Bachelor of Arts, Major in Finance
1973	Real Estate Principles & Practices for Salesman, Edison Community College
1973	Florida Real Estate Salesman's License, FREC
1974	Real Estate Principles & Practices for Broker, Edison Community College
1974	Florida Real Estate Broker's License, FREC
1978	FNMA, Approved for Category 1, #1062558
1980	Designated Senior Residential Appraiser (SRA), SREA
1981	FNMA, Approved for Category 2, #1062558
1982	Designated Member of Appraisal Institute (MAI), AIREA
1990	State-Certified General Appraiser, State of Florida 45
1993	Associate Instructor Course 111, Appraisal Institute
1993	Certified Instructor, Course 310, Appraisal Institute

### Offices & Positions Held

1982-1983	-	Distinguished President - Gulf Coast Kiwanis Club
1985-1986		President - SREA, Chap. 212 - Now West Coast Chapter, Appraisal Institute (AI)
1984-1992	-	Team Captain, Admissions Committee, Greater Florida Chapter, AI
1986-1989	-	Director, Commercial Investment Division, Sarasota Board of REALTORS
1989-1990	-	Director, West Coast Investment Council
1990-1991	-	Special Master - Sarasota County Property Appraisal Adjustment Board
1993-1998	-	Region X Representative, West Coast Florida Chapter, AI
1994-1998	-	Director, West Coast Florida Chapter, AI
1994-2003	-	Special Master - Sarasota County Value Adjustment Board
1993-Present	-	Team Member, Admissions Committee, West Coast Florida Chapter, AI
1995-1998, 2015 - Present		Member, Florida Bar Grievance Committee 12A

### Typical Appraisal Assignments

Retail & Professional Properties  
Shopping Centers  
Restaurants  
Multiple Family Residential Properties  
Motels, Hotels, Marinas, Golf Courses  
Light & Heavy Industrial Properties  
Land (All classifications)  
Eminent Domain Cases  
Litigation Involving Real Estate Issues

### Typical Evaluation Assignments

Leased Fee/Leasehold Analyses  
Income & Cash Flow Analyses  
Feasibility & Consultation Studies  
Buy/Sell Consultations  
REO Analyses & Consultations

Qualifications of Roger L. Hettema, MAI (Continued)

Litigation Experience

Roger L. Hettema has extensive trial and mediation experience since 1982 representing both private and government clients. His practice includes valuation, pre-trial analyses, depositions, preparation of trial exhibits, and expert testimony. He has qualified as an expert witness in County Courts, Circuit Courts, and U.S. Bankruptcy Courts. He completed the Appraisal Institute's Litigation Professional Development Program in 2012

Seminars & Courses Attended in Last Five Years

2012	National USPAP Update, Appraisal Institute	7 Hours
	Florida Law Update, Appraisal Institute	3 Hours
	Commercial Appraisal Productivity, Appraisal Institute	4 Hours
	Condemnation Appraising, Principles & Applications, Appraisal Institute	27.5Hours
2013	Litigation – Complex Case Studies, Appraisal Institute	7 Hours
	Lessons from the Old and New Economy, Appraisal Institute	3 Hours
2014	Florida Law, Appraisal Institute	3 Hours
	National USPAP Update, Appraisal Institute	7 Hours
	Residential Applications Part 2, Appraisal Institute	7 Hours
	Florida Broker Recertification Course	14 Hours
	Trial Components: Recipe for Success or Disaster	3 Hours
2015	Supervisory Appraiser/Trainee Appraiser, Appraisal Institute	5 Hours
	Business Practices and Ethics, Appraisal Institute	4 Hours
	USPAP Update Course	7 Hours
	Residential Applications using Excel	7 Hours
2016	A Review of Disciplinary Cases	3 Hours
2017	Valuation of Solar Photovoltaic Systems	4 Hours

**Evidence of State Licensure**

RICK SCOTT, GOVERNOR

KEN LAWSON, SECRETARY

STATE OF FLORIDA  
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION  
FLORIDA REAL ESTATE APPRAISAL BOARD

MEMBER NUMBER: 12345

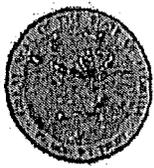
THE CERTIFIED GENERAL APPRAISER  
Named below IS CERTIFIED  
Under the provisions of Chapter 475 FS.  
Expiration date: NOV 30, 2018

HETTEMA, ROGER L.  
3307 Clark Road, #203  
Sarasota, FL 34231

ISSUED: 11/13/2016

DISPLAY AS REQUIRED BY LAW

SEQ # L1611130002207



EX 17

5/16/2017

17

**An Important Announcement for the University Park Community**

For over 25 years, University Park has been a wonderful community that has set the standard by which planned communities are measured. It is a beautiful place that residents are proud to call home.

As the community is close to build out, the owners (Neal/Pasold) believe this is the right time to sell their interests and have expressed a clear desire to transfer University Park to its residents in order for them to focus on their core business of land development and building homes. They believe that the residents have the most interest and are in the best position to acquire these remaining assets in University Park.

Now we, John Whyte (resident representative), John Neal (owner), and Charles Vaish (Pasold Family) would like to announce our intention to work together to explore options for the assignment of University Park to its residents. This would include the acquisition of the University Park Country Club (golf course and land, the clubhouse facilities, pro shops, tennis, croquet, maintenance and all of the associated club facilities), the turnover of the community assets of University Park (land, roads, gate house and infrastructure) and the assignment of remaining land parcels which would include Parcel L South adjoining the clubhouse.

o About Tract 7 being exempt

For the residents, this would allow us to control our community's future and the ability to make decisions that preserve and enhance the value of our homes. We would be able to chart our own future.

We understand how complex this ownership transfer will be and the importance of resident representation. Therefore, a resident Planning Group comprised of neighbors who have knowledge regarding the issues involved, has been formed to explore, analyze and evaluate all of the available options. Please see the attached list for their names. As we move forward, additional resources including outside counsel with experience in real estate will be retained.

The Planning Group's work is just beginning. In the short term, we know that you will have many questions for which answers won't be available until more analysis is done. However, please be assured that the Planning Group is committed to a transparent process that will offer you every opportunity to ask questions and give input along the way.

During a meeting today, the University Park Neighborhood Chairs were informed about the process being undertaken as well as plans to keep everyone fully up-to-date. You will receive regular communications so please review the updates, Q&A's and other materials as they become available and attend your neighborhood-based meetings when they are scheduled. And, please reach out to your Neighborhood Chairs with your questions.

This effort is important to all of us and our wonderful community. We encourage your input and involvement.

  
John Whyte  
President, UPCA

  
John Neal  
Owner

  
Charles Vaish  
Pasold Family

EX 18

Select Year: 2018 Go

## The 2018 Florida Statutes

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Title XXXII  
REGULATION OF PROFESSIONS  
AND OCCUPATIONS

Chapter 475  
REAL ESTATE BROKERS, SALES ASSOCIATES,  
SCHOOLS, AND APPRAISERS

View Entire  
Chapter

### 475.612 Certification, licensure, or registration required.—

(1) A person may not use the title “certified real estate appraiser,” “licensed real estate appraiser,” or “registered trainee real estate appraiser,” or any abbreviation or words to that effect, or issue an appraisal report, unless such person is certified, licensed, or registered by the department under this part. However, the work upon which an appraisal report is based may be performed by a person who is not a certified or licensed appraiser or registered trainee appraiser if the work is supervised and approved, and the report is signed, by a certified or licensed appraiser who has full responsibility for all requirements of the report and valuation service. Only a certified or licensed appraiser may issue an appraisal report and receive direct compensation for providing valuation services for the appraisal report. A registered trainee appraiser may only receive compensation for appraisal services from her or his authorized certified appraiser.

(2) This section does not preclude a Florida licensed real estate broker, sales associate, or broker associate who is not a Florida certified or licensed real estate appraiser from providing valuation services for compensation. Such persons may continue to provide valuation services for compensation so long as they do not represent themselves as certified, licensed, or registered under this part.

(3) This section does not apply to a real estate broker or sales associate who, in the ordinary course of business, performs a comparative market analysis, gives a price opinion, or gives an opinion of the value of real estate. However, in no event may this comparative market analysis, price opinion, or opinion of value of real estate be referred to or construed as an appraisal.

(4) This section does not prevent any state court or administrative law judge from certifying as an expert witness in any legal or administrative proceeding an appraiser who is not certified, licensed, or registered; nor does it prevent any appraiser from testifying, with respect to the results of an appraisal.

(5) This section does not apply to any full-time graduate student who is enrolled in a degree program in appraising at a college or university in this state, if the student is acting under the direct supervision of a certified appraiser and is engaged only in appraisal activities related to the approved degree program. Any appraisal report by the student must be issued in the name of the supervising individual who is responsible for the report’s content.

(6) This section does not apply to any employee of a local, state, or federal agency who performs appraisal services within the scope of her or his employment. However, this exemption does not apply where any local, state, or federal agency requires an employee to be registered, licensed, or certified to perform appraisal services.

(7) Notwithstanding any other provision of law, an appraiser may perform an evaluation of real property in connection with a real estate-related financial transaction, as defined by rule of the board, which is regulated by a federal financial institutions regulatory agency. The appraiser shall comply with the standards for evaluations imposed by the federal financial institutions regulatory agency and other standards as prescribed by the board. However, an evaluation may not be referred to or construed as an appraisal.

*History.*—ss. 9, 11, ch. 91-89; s. 4, ch. 91-429; s. 224, ch. 96-410; s. 1119, ch. 97-103; s. 21, ch. 98-250; s. 3, ch. 2000-198; ss. 4, 50, ch. 2003-164; s. 2, ch. 2006-198; s. 3, ch. 2013-144; s. 5, ch. 2015-54; s. 3, ch. 2017-30.

EX 18

Select Year: 2018 Go

## The 2018 Florida Statutes

Title XXXII  
REGULATION OF PROFESSIONS  
AND OCCUPATIONS

Chapter 475  
REAL ESTATE BROKERS, SALES ASSOCIATES,  
SCHOOLS, AND APPRAISERS

View Entire  
Chapter

### 475.626 Violations and penalties.—

(1) ~~A person may not:~~

(a) ~~Operate or attempt to operate as a registered trainee appraiser, a licensed or certified appraiser, or an appraisal management company without being the holder of a valid and current registration, license, or certification.~~

(b) If an appraisal management company, commit any conduct or practice set forth in s. 475.6245.

(c) Make any false affidavit or affirmation intended for use as evidence by or before the board or any member thereof, or by any of its authorized representatives, nor may any person give false testimony under oath or affirmation to or before the board or any member thereof in any proceeding authorized by this section.

(d) Fail or refuse to appear at the time and place designated in a subpoena issued with respect to a violation of this section, unless such failure to appear is the result of facts or circumstances that are sufficient to excuse appearance in response to a subpoena from the circuit court; nor may a person who is present before the board or a member thereof or one of its authorized representatives acting under authority of this section refuse to be sworn or to affirm or fail or refuse to answer fully any question propounded by the board, the member, or such representative, or by any person by the authority of such officer or appointee.

(e) ~~Obstruct or hinder in any manner the enforcement of this section or the performance of any lawful duty by any person acting under the authority of this section, or interfere with, intimidate, or offer any bribe to any member of the board or any of its employees or any person who is, or is expected to be, a witness in any investigation or proceeding relating to a violation of this section.~~

(f) Knowingly conceal any information relating to violations of this section.

(2) ~~A person who violates any provision of subsection (1) commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083, except when a different punishment is prescribed by this section. This section does not prohibit the prosecution under any other criminal statute of this state of any person for an act or conduct prohibited by this section; however, in such cases, the state may prosecute under this section or under such other statute, or may charge both offenses in one prosecution, but the sentence imposed shall not be a greater fine or longer sentence than that prescribed for the offense which carries the more severe penalties. A civil case, a criminal case, or a denial, revocation, or suspension proceeding may arise out of the same alleged state of facts, and the pendency or result of one such case or proceeding shall not stay or control the result of either of the others.~~

History.—ss. 9, 11, ch. 91-89; s. 4, ch. 91-429; s. 392, ch. 97-103; s. 33, ch. 98-250; s. 17, ch. 2003-164; s. 8, ch. 2010-84; s. 21, ch. 2012-61; s. 8, ch. 2017-30.



Lorraine Buck &lt;lorrainebuck7@gmail.com&gt;

---

**UP RD**

---

James J M <jjm1776@gmail.com>  
To: lorrainebuck7@gmail.com  
Cc: whytejo@comcast.net

Mon, Apr 16, 2018 at 8:52 PM

Lorraine,

Sorry I was not able to reach you by phone. I want to let you know that I had a reasonably civil conversation with John Whyte following the UPAC meeting this afternoon. In that conversation I asked him to agree with us to request that language be placed in the RD charter to the effect that the price paid to Neal will be what the fair market value is and not more. He said he would consider this and would have to discuss it with the members of the PG.

I assured him that none of us will say or disseminate any information about him, his PG or their actions until we hear back from him before this Friday morning. He said that if he agreed with this proposal he would contact us by then. If he is not in agreement, he will not contact us.

Please convey this message to all committee persons and request that they notify the people on all their lists ASAP.

Joe

Sent from my iPad

6/3/2018

Gmail - UP RD

EX 19



Lorraine Buck <lorrainebuck7@gmail.com>

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## UP RD

---

john whyte <whytejo@comcast.net>  
To: James J M <jjm1776@gmail.com>  
Cc: Lorraine Buck <lorrainebuck7@gmail.com>

Fri, Apr 20, 2018 at 10:00 AM

The RD Planning Group has given your proposed additional Charter language serious consideration and has taken expert advice.

As a result of this, we have genuine concerns with your proposed additions. We believe that such changes would not be in the best interests of UP residents. Accordingly we will oppose this proposal in every way we can.

john  
[Quoted text hidden]

RECEIVED

JUN 18 2018

Board of County Commissioners  
Manatee County

June 15, 2018

Board of County Commissioners  
Manatee County Government  
1112 Manatee Avenue West  
Bradenton, FL 34205

Re: Memorandum in Opposition to University Park Recreational District

Dear Chairman Trace and Commissioners Baugh, Benac, DiSabatino, Jonsson, Smith and Whitmore:

The proposal to form a Recreational District (RD) in University Park is based on collusion, corruption and self-dealing. Everything about this proposal is corrupt, as set out in detail in the attached Memorandum. This proposal is corrupt because it was brought about by self-dealing on the part of the Neal and Pasold interests, along with the assistance of John Whyte, the supposed University Park homeowner representative.

If this RD is formed and \$23,000,000 in bonds are issued, as planned, the people who will pay off those bonds are the homeowners in University Park, all of whom are members of UPCA, the University Park HOA. Consequently, this deal is, at its core, a purchase by the University Park homeowners of the Neal/Pasold interests.

The \$16,750,000 price that has been agreed upon is based on fraud born of a clear conflict of interest. For there to be a negotiation, the two sides must be honestly represented. Here, they were not. Neal/Pasold were represented but the homeowners were not. The "negotiation" was between Neal/Pasold and the University Park HOA. Two of the 3 HOA board members, the majority, were appointed by and represented the Neal/Pasold interests. The third member, John Whyte, who was supposed to be advocating on behalf of the homeowners, did just the opposite and has made it clear that he, too, is working on Neal's behalf.

In the attached email from Whyte to Lorraine Buck dated April 20, 2018, he says that he will do everything possible to prevent any wording in the Charter that would limit Neal to getting paid Fair Market Value. In other words, he will do everything he can to get the University Park homeowners to pay Neal more than Fair Market Value. There could not be a more blatant admission of corruption and breach of fiduciary duty on his part. He and the other 2 HOA board members are all doing the same thing - trying to get the homeowners to pay more than Fair Market Value. Since 2 of the 3 HOA board members represent Neal and Pasold, the HOA board cannot at the same time act on behalf of the opposing party, the homeowners. "No man can serve two masters." What is taking place here is the epitome of corrupt and possibly illegal self-dealing by Neal, Pasold and their appointed HOA board members in an attempt to get \$10,000,000 more than their property is worth.

More evidence of corruption involves the appraisal. To get the appraisal of \$13,500,000 for the golf course, which is the driving number for the \$16,750,000 they want the homeowners to pay, Neal's HOA board spent \$28,500 of HOA money, without the consent of the homeowners, to hire an appraiser from Colorado who is not licensed to appraise property in Florida. As can be seen from the enclosed statute (EX 18), doing that appraisal was a crime under Florida Law. That illegal appraisal was then used to justify paying Neal \$10,000,000 more than the golf course and his other property are actually worth.

The 3 HOA board members, working together, knew that the only way to pay Neal this unreasonable amount would be by using an RD rather than bank financing, which is the norm. RDs, on the other hand, are new and very rare. The reason they chose the novel RD approach is because when bank financing is used, a certified appraisal, done by an appraiser licensed in Florida, is required. They knew that such an appraisal would never justify the \$16,750,000 that they want the homeowners to pay. If an RD is used, they believe that no certified appraisal will be needed, thus allowing them to complete this \$10,000,000 scam, without even one legitimate appraisal.

In summary, these 2 facts show how corrupted by self-dealing this plan is:

1. John Whyte has vowed to do everything he can to get Neal/Pasold more than Fair Market Value.
2. The HOA board, which is controlled by the Neal and Pasold representatives, spent \$28,500 of HOA money, without the consent of the homeowners, to get an illegal appraisal.

The formation of the RD, which requires your approval, is the first step of their nefarious plot to overpay Neal and Pasold. If you approve it, it will be very easy for the Neal/Pasold/Whyte alliance to get the final steps accomplished that will result in the University Park homeowners paying \$10,000,000 more than Fair Market Value.

There is no justifiable reason why you should approve this proposal which reeks of collusion, corruption and self-dealing, when all you have to do to ensure that the ultimate deal is fair to everyone is to simply require language in the Charter mandating that the amount paid will be the Fair Market Value and not more. This simple change will guarantee fairness to Neal, Pasold and the University Park homeowners, your county taxpayers.

Moreover, it will put to rest the claims that Whyte and his Planning Group made to the homeowners that Neal has some influence with the Board of County Commissioners that allows him to always get whatever he wants from them.

Sincerely,

Joe Moran and Lorraine Buck on behalf of UP Concerned Residents

Joe Moran: [jjm1776@gmail.com](mailto:jjm1776@gmail.com) / 585-313-0244

Lorraine Buck: [lorrainebuck7@gmail.com](mailto:lorrainebuck7@gmail.com) / 404-268-7514



Lorraine Buck &lt;lorrainebuck7@gmail.com&gt;

---

**UP RD**

---

James J M &lt;jjm1776@gmail.com&gt;

Mon, Apr 16, 2018 at 8:52 PM

To: lorrainebuck7@gmail.com

Cc: whytejo@comcast.net

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Please convey this message to all committee persons and request that they notify the people on all their lists ASAP.

Joe

Sent from my iPad



Lorraine Buck <lorrainebuck7@gmail.com>

---

**UP RD**

---

John whyte <whytejo@comcast.net>  
To: James J M <jjm1776@gmail.com>  
Cc: Lorraine Buck <lorrainebuck7@gmail.com>

Fri, Apr 20, 2018 at 10:00 AM

The RD Planning Group has given your proposed additional Charter language serious consideration and has taken expert advice.

As a result of this, we have genuine concerns with your proposed additions. We believe that such changes would not be in the best interests of UP residents. Accordingly we will oppose this proposal in every way we can.

John  
[Quoted text hidden]

original letters rec'd for:  
PT, CS, SJ, RD, VB, CW, BB

Priscilla Trace

**NOTICE OF LAWLESSNESS WITH HARMFUL INTENT  
TO  
MANATEE COUNTY BOARD OF COUNTY  
COMMISSIONERS**

**NOTICE TO AGENT IS NOTICE TO PRINCIPAL  
NOTICE TO PRINCIPAL IS NOTICE TO AGENT**

I come now in peace and honor regarding the project to convert University Park(UP) into a Recreational District(RD). The process used by John Neal (Developer) and agents has been defective in multiple important ways, many of them criminal in nature. This Notice is putting on the record some of the more serious unlawful, unconstitutional, and illegal acts that have happened to cause the current situation:

1. This project has been one where a number of different coercive scare tactics have been used against the elderly property owners for private financial gain. Some of the tactics used included the threat of construction of condo buildings on the fairways and the threat of turning the fairways into pastures for animals. No vote or signature on a petition is valid if taken under threats, duress, and coercion as was deployed in this project.
2. This process lacked any integrity from the start simply because the parties that negotiated with the developer on the deal were not selected nor elected by the property owners. Instead, the negotiating committee was arbitrarily made up of mostly golfers and friends of the developer, both groups standing to benefit at the cost to the other property owners.
3. A key aspect of the lack of fairness and integrity in the process was the fact that the valuation was done by an agent hired by the developer. In other words, the valuation was not a market based independent valuation made by an agent of the property owners. As a result, the proposed transaction price is way above actual market transactions for similar properties.
4. Never were the property owners ever fully informed on many of the material aspects of the proposed deal. For example, the financial statements of the golf course were not fully disclosed before the petition signatures were collected. Also, the question about who would own title to the property after the debt was paid was never answered. Evidence suggests that the county will own title to the golf course property even although the county did not pay the debt used for the purchase of the golf course property. If this is true, this is prima facia evidence of a conspiracy between the developer and the County to defraud the UP property owners.

5. Property sales and market values have already dropped inside UP so all property owners in the sales process have already become damaged.
6. Florida Statute 418.20 "Creation of recreational districts authorized." states clearly that "Each such District shall be established by ordinance approved by a vote of the electors in the District in accordance with s. 165.041." The requirement is for the electors to vote, not the "registered voters". I am an elector in Manatee County and own property in University Park, yet I was not allowed to participate regarding the creation of a Recreational District. This is a serious breach of my right of suffrage, and represents many possible crimes including Breach of Oath of Office, Breach of Duty, Deprivation of Rights and therefore makes the recent UP RD election results void ab initio.
7. Further, Statute 418.20 states "The electors residing in a proposed district may petition the governing body of the city or county to create a recreational district. If a majority of electors has signed the petition, no referendum shall be required to create the district." Since electors were barred from signing the petition, clearly there was not a "majority of electors has signed the petition" as required by statute 418.20.
8. I hereby demand a copy of the list of all the electors, not registered voters, who signed a petition. STRICT PROOF IS HEREBY DEMANDED.
9. In April 2018 I communicated directly with our Sloane Gardens neighborhood chair and, after making it clear to him I was not going to be coerced into impairing my existing contract, I asked to speak with someone about my requirement to opt of the RD. Instead of responding constructively, he launched an personal attack on me.
10. **IMPORTANTLY**, Article 1 Section 19 of the CONSTITUTION, OR FORM OF GOVERNMENT ,for the PEOPLE OF FLORIDA (1838/1845) states "That no law impairing the obligation of contracts shall ever be passed." Also, Section 27 prohibits this Article 1 Sections 1-26 from ever being changed.
11. **MOST IMPORTANTLY**, in our Constitution of The United States, the Supreme Law of Our Land, which all Public Servants in Florida swear an oath to support and defend: Article 1, Section 10 "No State shall...pass any...Law impairing the Obligation of Contracts." I and many others have an existing contract with the Homeowners Association which was signed many years ago. No entity, including the Manatee County Board of County Commissioners, has the authority to impair our existing contract. Any action to impair my existing contract will be prima facia evidence of the crime of Contempt of Constitution, a very serious crime. I am not alone as many, if not all, homeowners have an existing contract which likewise can not be impaired. Existing contracts can only be modified to allow for the creation of a Recreational District by the free will decisions by both parties to each contract.

**Notice:** By you not answering me, you are **denying me the right** for you are in trespass on the intangible **right of honest services** and appear you are running the scheme or artifice to defraud.

Your lack of proof of claim is solicitation to the negative.

Any trespass against the Private Contract is the "**scheme or artifice to defraud**" - **18 U.S.C. 1346** "For the purposes of this chapter, the term "scheme or artifice to defraud" includes a scheme or artifice to deprive another of the intangible right of honest services."

**18 U.S.C. Section 1341—Elements of Mail Fraud** "There are two elements in mail fraud: (1) having devised or intending to devise a scheme to defraud (or to perform specified fraudulent acts), and (2) use of the mail for the purpose of executing, or attempting to execute, the scheme (or specified fraudulent acts)." *Schmuck v. United States*, 489 U.S. 705, 721 n. 10 (1989); see also *Pereira v. United States*, 347 U.S. 1, 8 (1954) ("The elements of the offense of mail fraud under . . . § 1341 are (1) a scheme to defraud, and (2) the mailing of a letter, etc., for the purpose of executing the scheme."); *Laura A. Eilers & Harvey B. Silikovitz, Mail and Wire Fraud*, 31 *Am. Crim. L. Rev.* 703, 704 (1994) (cases cited)." See <https://www.justice.gov/usam/criminal-resource-manual-940-18-usc-section-1341-elements-mail-fraud>

In summary, you are hereby demanded to do your duty as our public servants whose offices are in the Public Trust and, as fiduciaries of We the People, uphold your oaths of office by insisting that the Rule of Law be followed in all respects.

Govern yourself accordingly.

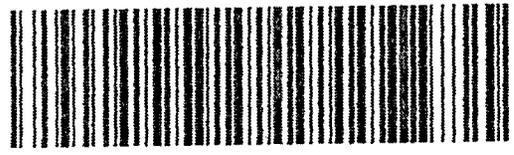
June 5, 2018

  
rodger-birtwell;dowdell

Administrative Investigator  
on Law Grand Jury, Florida

rodger: doaxell  
% 7804 Sloane Gardens Court  
University Park, Florida  
[34201]

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JUN 8 2018

Board of County Commissioners  
Manatee County

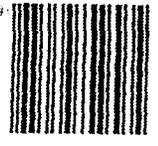
Label 200, August 2005

PSN 7690-03-000-9311

Priscilla Trace  
% Manatee County Board of County Commissioners  
1112 Manatee Ave West  
Bradenton, Florida [34205]



1023



34205

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34203  
JUN 05, 18  
AMOUNT  
**\$15.85**  
R2304M113938-20

PRIVATE

## Bobbi Roy

---

**From:** Marianne Lopata  
**Sent:** Tuesday, July 31, 2018 4:51 PM  
**To:** lynnflorida@comcast.net  
**Cc:** Debbie Bassett; Bobbi Roy; Betsy Benac; Carol Whitmore; Charles Smith; Priscilla WhisenantTrace; Robin DiSabatino; Stephen R Jonsson; Vanessa Baugh  
**Subject:** University Park Rec District  
**Attachments:** 18-07-31 Ltr from Lynn Carter re UPRD.pdf

University Park Recreation District PLN1805-0007/CDD18-03

Thank you for writing to share your concerns. Your email is hereby acknowledged as received by the Board of County Commissioners and will also be forwarded to staff of Building & Development Services and the County Attorney's Office for inclusion as public comments for this hearing.

As well as your written correspondence you are welcome to attend the hearing, currently scheduled for **August 2, 2018**, to offer your comments and opinions.

On behalf of Chairman Trace and the other Commissioners, thank you for your interest and participation.

*Marianne Lopata*  
Executive Administrative Assistant  
Board of County Commissioners  
Phone: (941) 745-3707; Fax: (941) 745-3790  
E-mail: [marianne.lopata@mymanatee.org](mailto:marianne.lopata@mymanatee.org)



all BCC was sent  
the identical letter

BCC  
BAOS  
CAO

6311 Walton Heath Place  
University Park, FL 34201  
July 26, 2018

Priscilla Whisenant Trace  
District 1  
P.O. Box 1000  
Bradenton, FL 34206-1000

RECEIVED

JUL 31 2018

Board of County Commissioners  
Manatee County

Dear Ms. Trace:

As I am sure you are aware, the developers of University Park Country Club (UPCC), Neal and Pasold, have completed their work and are ready to close the Club and prepare the land for sale. This event is taking place more than 10 years earlier than expressed in the documents my husband and I received when we retired and relocated here in 2001.

After my husband died in 2009, I downsized within UPCC and became more involved in community activities. I am very upset now about the possibility of losing my home, friends, and lifestyle.

About 14 months ago, I joined with the other owners and engaged a group of highly respected consultants to evaluate the property and to explore the possibility of our buying, operating, and maintaining the Club and beautiful grounds ourselves. The most, and perhaps only, affordable option is to create a Recreational District (RD).

Approximately 80% of eligible voters, including myself, signed the petition to create an RD and approximately 85% of all residents, including those who are not registered to vote in Manatee County, support the plan. Only 9% expressed disapproval although they have never offered an alternative.

We urge your support for the ordinance when it is presented to you on August 2, 2018. Thank you very much for your consideration.

Sincerely,



B. Lynn Carter  
lynnflorida@comcast.net

## Bobbi Roy

---

**From:** Marianne Lopata  
**Sent:** Wednesday, August 01, 2018 9:44 AM  
**To:** SUSAN STONE  
**Cc:** Debbie Bassett; Bobbi Roy; Betsy Benac; Carol Whitmore; Charles Smith; Priscilla WhisenantTrace; Robin DiSabatino; Stephen R Jonsson; Vanessa Baugh  
**Subject:** RE: Request for Approval of University Park Recreation District

University Park Recreation District PLN1805-0007/CDD18-03

Thank you for writing to share your concerns. Your email is hereby acknowledged as received by the Board of County Commissioners and will also be forwarded to staff of Building & Development Services and the County Attorney's Office for inclusion as public comments for this hearing.

As well as your written correspondence you are welcome to attend the hearing, currently scheduled for **August 2, 2018**, to offer your comments and opinions.

On behalf of Chairman Trace and the other Commissioners, thank you for your interest and participation.

*Marianne Lopata*

Executive Administrative Assistant  
Board of County Commissioners  
Phone: (941) 745-3707; Fax: (941) 745-3790  
E-mail: [marianne.lopata@mymanatee.org](mailto:marianne.lopata@mymanatee.org)



---

**From:** SUSAN STONE <[sue99stone@comcast.net](mailto:sue99stone@comcast.net)>  
**Sent:** Monday, July 30, 2018 4:18 PM  
**To:** Priscilla WhisenantTrace <[priscilla.whisenanttrace@mymanatee.org](mailto:priscilla.whisenanttrace@mymanatee.org)>; Charles Smith <[Charles.Smith@mymanatee.org](mailto:Charles.Smith@mymanatee.org)>; Stephen R Jonsson <[steve.jonsson@mymanatee.org](mailto:steve.jonsson@mymanatee.org)>; Robin DiSabatino <[robin.disabatino@mymanatee.org](mailto:robin.disabatino@mymanatee.org)>; Vanessa Baugh <[vanessa.baugh@mymanatee.org](mailto:vanessa.baugh@mymanatee.org)>; Carol Whitmore <[carol.whitmore@mymanatee.org](mailto:carol.whitmore@mymanatee.org)>; Betsy Benac <[betsy.benac@mymanatee.org](mailto:betsy.benac@mymanatee.org)>  
**Subject:** Request for Approval of University Park Recreation District

Dear Commissioners,

We are respectfully requesting that you approve the University Park application to become a Recreation District. Over a 14 month process of transparent and inclusive communication about this proposal within the community, 85% of all residents agree with the creation of a Recreation District.

Approving the Recreation District will enable University Park to maintain its natural beauty at an affordable price.

Thank you for your consideration.

Sincerely,

Susan M. Stone & William R. Dingee

6529 Berkshire Place

University Park, FL 34201

## Bobbi Roy

---

**From:** Vida Gordon  
**Sent:** Monday, July 30, 2018 12:11 PM  
**To:** Sue Neumann; Betsy Benac; Carol Whitmore; Charles Smith; Priscilla WhisenantTrace; Robin DiSabatino; Stephen R Jonsson; Vanessa Baugh  
**Cc:** Debbie Bassett; Bobbi Roy  
**Subject:** RE: Please support University Park Recreation District

Mrs. Neumann,

[University Park Recreation District PLN1805-0007/CDD18-03](#)

Thank you for writing to share your concerns. Your email is hereby acknowledged as received by the Board of County Commissioners and will also be forwarded to staff of Building & Development Services and the County Attorney's Office for inclusion as public comments for this hearing.

As well as your written correspondence you are welcome to attend the hearing, currently scheduled for **August 2, 2018**, to offer your comments and opinions.

On behalf of Chairman Trace and the other Commissioners, thank you for your interest and participation.

Thank you in advance,  
Vida Gordon  
Executive Assistant  
Board of County Commissioners  
Manatee County Administration Office  
1112 Manatee Avenue West  
Suite #902  
Bradenton, Florida 34205  
Phone: 941-745-3721  
Fax: 941-745-3790  
E-mail: [vida.gordon@mymanatee.org](mailto:vida.gordon@mymanatee.org)



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**From:** Sue Neumann <[SueNeumann\\_1@msn.com](mailto:SueNeumann_1@msn.com)>  
**Sent:** Monday, July 30, 2018 11:16 AM  
**To:** Vanessa Baugh <[vanessa.baugh@mymanatee.org](mailto:vanessa.baugh@mymanatee.org)>  
**Subject:** Please support University Park Recreation District

I am writing to request your support of the University Park Recreation District – a very important action that you can take to maintain the beauty of our wonderful neighborhood and preserve the value of our homes.

For over one year, a University Park Planning Group has been working with our residents and the developers/owners to come to a mutual agreement for the residents to purchase the property. They have

negotiated a very fair price that is under valuation which has been provided by experts. They have done an outstanding job of keeping all of our residents well informed along the way.

And now, we believe establishing a Recreation District is the best way to move forward. More than 85% of our University Park residents are in full agreement with this approach.

Your support of establishing a Recreation District in University Park is so important to our future. We love our beautiful tree-lined neighborhoods. We love our gorgeous golf course that can be viewed from so many of our homes. Please don't let some developer come in and change that for us.

Please vote yes for the Recreation District on August 2.

THANK YOU!

Sue Neumann

8006 Warwick Gardens Lane

University Park FL 34201

## Bobbi Roy

---

**From:** Vida Gordon  
**Sent:** Monday, July 30, 2018 12:10 PM  
**To:** Jim Nellis; Betsy Benac; Carol Whitmore; Charles Smith; Priscilla WhisenantTrace; Robin DiSabatino; Stephen R Jonsson; Vanessa Baugh  
**Cc:** Debbie Bassett; Bobbi Roy  
**Subject:** RE: An Exciting Future for University Park Needs Your Vote

Mr. Nellis,

University Park Recreation District PLN1805-0007/CDD18-03

Thank you for writing to share your concerns. Your email is hereby acknowledged as received by the Board of County Commissioners and will also be forwarded to staff of Building & Development Services and the County Attorney's Office for inclusion as public comments for this hearing.

As well as your written correspondence you are welcome to attend the hearing, currently scheduled for **August 2, 2018**, to offer your comments and opinions.

On behalf of Chairman Trace and the other Commissioners, thank you for your interest and participation.

Thank you in advance,  
Vida Gordon  
Executive Assistant  
Board of County Commissioners  
Manatee County Administration Office  
1112 Manatee Avenue West  
Suite #902  
Bradenton, Florida 34205  
Phone: 941-745-3721  
Fax: 941-745-3790  
E-mail: [vida.gordon@mymanatee.org](mailto:vida.gordon@mymanatee.org)



**From:** Jim Nellis <jimnellis@aol.com>  
**Sent:** Monday, July 30, 2018 8:50 AM  
**To:** Charles Smith <Charles.Smith@mymanatee.org>  
**Subject:** An Exciting Future for University Park Needs Your Vote

Dear Commissioner Smith:

Nearly 15 months ago the developers of University Park (the Neal/Pasold families) informed the community's residents of their intention to sell the 266-acre Country Club that serves as our social center. Their plan was to offer it to the residents first, and if we were not interested, to close the Country Club and prepare the land for future development.

After recovering from the initial shock generated by this announcement, a group of residents with expertise in areas such as accounting, finance, marketing and communications was formed to analyze options that would be in the best interests of the community's homeowners and make specific recommendations.

As a member of this Planning Group, I can attest to the countless hours these volunteers have spent in analyzing the options, obtaining input from residents and keeping every homeowner updated on our activities.

Our efforts have been focused on maintaining our greenspace, home values and the amenities enjoyed by the vast majority of residents. Another goal was to accelerate the community turnover (scheduled for 2029) and thereby obtain immediate control of our future as a resident-owned community.

The key component in the plan is creation of a Recreation District and this requires your approval. As you review our request, please consider the following:

### **Overwhelming Resident Support**

- Nearly 80% of eligible "electors" signed petitions requesting Manatee County Commissioners authorize creation of the RD.
- In a January survey of all residents:
  - 83% support the RD model.
  - 83% support the Planning Group's recommendations
  - 85% find the cost of the 30-year municipal bond offering needed for the acquisition as well as capital improvements, maintenance and operating reserves as "acceptable".

### **A Great Deal by Any Measure**

- The negotiated country club price of \$12.5M is \$1M less than the valuation determined by HVS, the internationally recognized country club consulting firm that has performed more than 700 valuations around the world including over 600 in the U.S. and 27 in Florida.
- \$4M less than the most recent comparable sale of Pelican Pointe Country Club in Venice.
- On a per acre cost of \$45,000, it is \$12,000 to \$88,000 less per acre than comparable land sales over the past three years.

The Recreation District offers University Park residents a low-cost, low-risk means of ensuring a solid future free of further development. I hope you will consider the community-wide support for this concept and vote to approve its creation.

Sincerely,

Jim Nellis  
7504 Ascot Court  
University Park, FL 34201  
941.359.8594

## Bobbi Roy

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**From:** BCC Events  
**Sent:** Monday, July 30, 2018 8:58 AM  
**To:** David Van Brunt; Betsy Benac; Carol Whitmore; Charles Smith; Priscilla WhisenantTrace; Robin DiSabatino; Stephen R Jonsson; Vanessa Baugh  
**Cc:** Marianne Lopata; Debbie Basset; Bobbi Roy  
**Subject:** RE: In Support of Forming an RD to purchase and preserve UNIVERSITY PARK COUNTY CLUB

Mr. Van Brunt,

University Park Recreation District PLN1805-0007/CDD18-03

Thank you for writing to share your concerns. Your email is hereby acknowledged as received by the Board of County Commissioners and will also be forwarded to staff of Building & Development Services and the County Attorney's Office for inclusion as public comments for this hearing.

As well as your written correspondence you are welcome to attend the hearing, currently scheduled for **August 2, 2018**, to offer your comments and opinions.

On behalf of Chairman Trace and the other Commissioners, thank you for your interest and participation.

Thank you in advance,  
Vida Gordon  
Executive Assistant  
Board of County Commissioners  
Manatee County Administration Office  
1112 Manatee Avenue West  
Suite #902  
Bradenton, Florida 34205  
Phone: 941-745-3721  
Fax: 941-745-3790  
E-mail: [vida.gordon@mymanatee.org](mailto:vida.gordon@mymanatee.org)



---

**From:** David Van Brunt <david.vanbrunt@comcast.net>  
**Sent:** Monday, July 30, 2018 6:14 AM  
**To:** David Van Brunt <david.vanbrunt@comcast.net>  
**Subject:** In Support of Forming an RD to purchase and preserve UNIVERSITY PARK COUNTY CLUB

I am a 15-year resident of the University Park (UP) Community who is very supportive of forming a Recreation District (RD) to purchase the University Park County Club. I hope you will

support this effort to preserve the lovely "green space" community we currently have. Sometime please drive through UP and have lunch at the Club house so can see for yourself this beautiful "treasure" with mature Oak trees over 100 years old canopying over the homes, the streets, and more than 50 ponds. It would be a shame to lose this "treasure".

Some 85% of the current residents are in favor of the arrangement negotiated with the Developer. We feel it is a fair and reasonable deal and are prepared to pay for the purchase of the Club/Golf Course through the long-term increase in our real estate taxes.

Please vote in favor of forming the University Park Recreation District and come see the place for yourself.

David Van Brunt  
Cell: 941.400.5624

## Bobbi Roy

---

**From:** BCC Events  
**Sent:** Monday, July 30, 2018 8:56 AM  
**To:** Betsy Benac; Carol Whitmore; Charles Smith; Priscilla WhisenantTrace; Robin DiSabatino; Stephen R Jonsson; Vanessa Baugh  
**Cc:** Marianne Lopata; Debbie Bassett; Bobbi Roy  
**Subject:** FW: University Park Recreation District

Mr. Walker,

[University Park Recreation District PLN1805-0007/CDD18-03](#)

Thank you for writing to share your concerns. Your email is hereby acknowledged as received by the Board of County Commissioners and will also be forwarded to staff of Building & Development Services and the County Attorney's Office for inclusion as public comments for this hearing.

As well as your written correspondence you are welcome to attend the hearing, currently scheduled for **August 2, 2018**, to offer your comments and opinions.

On behalf of Chairman Trace and the other Commissioners, thank you for your interest and participation.

Thank you in advance,  
Vida Gordon  
Executive Assistant  
Board of County Commissioners  
Manatee County Administration Office  
1112 Manatee Avenue West  
Suite #902  
Bradenton, Florida 34205  
Phone: 941-745-3721  
Fax: 941-745-3790  
E-mail: [vida.gordon@mymanatee.org](mailto:vida.gordon@mymanatee.org)



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**From:** Walker, Frank <[FWalker@walkerinfo.com](mailto:FWalker@walkerinfo.com)>  
**Sent:** Sunday, July 29, 2018 10:38 PM  
**To:** Priscilla WhisenantTrace <[priscilla.whisenanttrace@mymanatee.org](mailto:priscilla.whisenanttrace@mymanatee.org)>; Charles Smith <[Charles.Smith@mymanatee.org](mailto:Charles.Smith@mymanatee.org)>; Stephen R Jonsson <[steve.jonsson@mymanatee.org](mailto:steve.jonsson@mymanatee.org)>; Robin DiSabatino <[robin.disabatino@mymanatee.org](mailto:robin.disabatino@mymanatee.org)>; Vanessa Baugh <[vanessa.baugh@mymanatee.org](mailto:vanessa.baugh@mymanatee.org)>; Carol Whitmore <[carol.whitmore@mymanatee.org](mailto:carol.whitmore@mymanatee.org)>; Betsy Benac <[betsy.benac@mymanatee.org](mailto:betsy.benac@mymanatee.org)>  
**Subject:** RE: University Park Recreation District

Dear Commissioners -- As a 23 year property owner in University Park Country Club (UPCC) I write in support of the University Park Recreation District.

FYI -- I was proud to help accomplish two surveys with the residents of UPCC. The latest, conducted this spring, provided us with over 1,500 responses -- 85% of whom favored the creation of the RD. In my over 50 years of experience in the marketing and public opinion research industry, I could count on one hand the number of studies with such a high response rate (86%). With numbers such as these, the reliability of the survey can be considered significant.

Your truly,

**Frank D. Walker, Chairman Emeritus**

  
**7361 Eaton Court  
University Park, FL 34201**

## Bobbi Roy

---

**From:** Vida Gordon  
**Sent:** Monday, July 30, 2018 12:09 PM  
**To:** Steven Ludmerer; Betsy Benac; Carol Whitmore; Charles Smith; Priscilla WhisenantTrace; Robin DiSabatino; Stephen R Jonsson; Vanessa Baugh  
**Cc:** Debbie Bassett; Bobbi Roy  
**Subject:** RE: Please Vote to Create the University Park Recreation District

Mr. Ludmerer,

University Park Recreation District PLN1805-0007/CDD18-03

Thank you for writing to share your concerns. Your email is hereby acknowledged as received by the Board of County Commissioners and will also be forwarded to staff of Building & Development Services and the County Attorney's Office for inclusion as public comments for this hearing.

As well as your written correspondence you are welcome to attend the hearing, currently scheduled for **August 2, 2018**, to offer your comments and opinions.

On behalf of Chairman Trace and the other Commissioners, thank you for your interest and participation.

Thank you in advance,  
Vida Gordon  
Executive Assistant  
Board of County Commissioners  
Manatee County Administration Office  
1112 Manatee Avenue West  
Suite #902  
Bradenton, Florida 34205  
Phone: 941-745-3721  
Fax: 941-745-3790  
E-mail: [vida.gordon@mymanatee.org](mailto:vida.gordon@mymanatee.org)



---

**From:** Steven Ludmerer <[sludmerer@gmail.com](mailto:sludmerer@gmail.com)>  
**Sent:** Sunday, July 29, 2018 6:03 PM  
**To:** Priscilla WhisenantTrace <[priscilla.whisenanttrace@mymanatee.org](mailto:priscilla.whisenanttrace@mymanatee.org)>  
**Subject:** Please Vote to Create the University Park Recreation District

Dear Commissioner Trace:

My wife and I moved into University Park and became Manatee county residents five years ago. We did so for its ambience, peace, and beauty near a bustling intersection of I-95. It is our oasis and that of 1200 other

homeowners. 85% of my neighbors (including residents and seasonal owners) want to move forward with the creation of UPRD. The team of residents who put this together consistently reached out with information and progress updates, and over 80% of Manatee voters in UP signed the petition to bring this Ordinance before you. Please provide your support by voting YES on August 2<sup>nd</sup>.

Thanks,

Steve Ludmerer

---

Steve Ludmerer  
[sludmerer@gmail.com](mailto:sludmerer@gmail.com)

7912 Warwick Gardens Lane  
University Park, FL 34201

H: 941-312-6518

C: 609-841-8911

## Bobbi Roy

---

**From:** Vida Gordon  
**Sent:** Monday, July 30, 2018 12:08 PM  
**To:** James LONG; Betsy Benac; Carol Whitmore; Charles Smith; Priscilla WhisenantTrace; Robin DiSabatino; Stephen R Jonsson; Vanessa Baugh  
**Cc:** Debbie Bassett; Bobbi Roy  
**Subject:** RE: YES for University Park Recreation District

Mr. Long,

University Park Recreation District PLN1805-0007/CDD18-03 Thank you for writing to share your concerns. Your email is hereby acknowledged as received by the Board of County Commissioners and will also be forwarded to staff of Building & Development Services and the County Attorney's Office for inclusion as public comments for this hearing.

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On behalf of Chairman Trace and the other Commissioners, thank you for your interest and participation.

Thank you in advance,  
Vida Gordon  
Executive Assistant  
Board of County Commissioners  
Manatee County Administration Office  
1112 Manatee Avenue West  
Suite #902  
Bradenton, Florida 34205  
Phone: 941-745-3721  
Fax: 941-745-3790  
E-mail: vida.gordon@mymanatee.org

-----Original Message-----

**From:** James LONG <longjames@comcast.net>  
**Sent:** Sunday, July 29, 2018 3:31 PM  
**To:** Vanessa Baugh <vanessa.baugh@mymanatee.org>  
**Cc:** Priscilla WhisenantTrace <priscilla.whisenantrace@mymanatee.org>; Charles Smith <Charles.Smith@mymanatee.org>; Stephen R Jonsson <steve.jonsson@mymanatee.org>; Robin DiSabatino <robin.disabatino@mymanatee.org>; Carol Whitmore <carol.whitmore@mymanatee.org>; Betsy Benac <betsy.benac@mymanatee.org>  
**Subject:** YES for University Park Recreation District

Commissioner Baugh,

Thank you for allowing the residents of University Park to have the opportunity to create a Recreation District. We believe this will provide for protecting the beauty of the park, as well as provide for an inclusive and fair minded governing structure.

I have served as a Town Councilor in a small Maine community having been elected and reelected and I appreciate your commitment to Manatee County and the efforts required to serve the public good.

I am with the planning group. I believe we are acting with the best interests of UP and its residents and members. I will continue my efforts to ensure UP remains a community deserving of your trust and support.

I respectfully ask for your YES vote on 8/2 for establishment of The University Park Recreation District.

James Long  
6607 Hunter Combe Crossing  
University Park 34201  
941 358 9426

## Bobbi Roy

---

**From:** Vida Gordon  
**Sent:** Monday, July 30, 2018 12:07 PM  
**To:** Peggy Lowndes; Betsy Benac; Carol Whitmore; Charles Smith; Priscilla WhisenantTrace; Robin DiSabatino; Stephen R Jonsson; Vanessa Baugh  
**Cc:** Debbie Bassett; Bobbi Roy  
**Subject:** RE: University Park Recreation District Municipality Petition

Mr. Lowndes,

University Park Recreation District PLN1805-0007/CDD18-03

Thank you for writing to share your concerns. Your email is hereby acknowledged as received by the Board of County Commissioners and will also be forwarded to staff of Building & Development Services and the County Attorney's Office for inclusion as public comments for this hearing.

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On behalf of Chairman Trace and the other Commissioners, thank you for your interest and participation.

Thank you in advance,  
Vida Gordon  
Executive Assistant  
Board of County Commissioners  
Manatee County Administration Office  
1112 Manatee Avenue West  
Suite #902  
Bradenton, Florida 34205  
Phone: 941-745-3721  
Fax: 941-745-3790  
E-mail: [vida.gordon@mymanatee.org](mailto:vida.gordon@mymanatee.org)



---

**From:** Peggy Lowndes <[plownds@comcast.net](mailto:plownds@comcast.net)>  
**Sent:** Sunday, July 29, 2018 3:21 PM  
**To:** [charles.smith@mymanatee.org](mailto:charles.smith@mymanatee.org)  
**Subject:** University Park Recreation District Municipality Petition

Good Morning Commissioner Smith.  
First let me thank you for representing our interests. My husband and I have resided year round in University Park going on 19 years and it's good to know you're there. We follow the work of the Manatee Board of County Commissioners closely and commend you for the

work you've done on our behalf. It's been a tough spring/early summer season. Your agendas have been jam-packed.

This mail is to tell you my husband and I totally support the formation of a University Park Recreation District (**UPRD**).

Here's why. Fourteen months ago a volunteer Planning Group of 25 University Park residents were over time assembled for a unique 1-time opportunity: to research, evaluate and then recommend to residents the best option to acquire the Country Club plus other developer-owned land and buildings in order to protect our community from any further development by the owners and obtain total resident control of our community 10 years earlier than planned.

The resident Planning Group has orchestrated a totally transparent acquisition process with residents since last May. Through each step of the process, residents were kept up-to-date/informed at one or several of the 40+ open meetings, at individual neighborhood gatherings, on a dedicated extensive website with a resident Q&A write-in, monthly news letters and 2 "Detail Days" where all relevant due diligence and valuation documents were open for scrutiny and Q&A. All on-going chances for residents to understand how and question why the Planning Group arrived at the what they consider the most affordable cost with the least amount of risk to residents to take total control of our community—a **University Park Recreation District (UPRD)**. Additionally, an all-resident survey overwhelming concluded there was strong support for this direction with over 80% positive about the formation of the RD as the entity to acquire the Country Club.

For the piece de resistance, when it came time for petitions to be signed by eligible electors to create an RD, again resounding thumbs up with 80% of total number of petitions sent to your Supervisor of Elections for validation. By every measure, the RD model is more than a "good deal" for UP residents with an estimated cost to the average homeowner of approximately \$99 monthly for a 30-year municipal bond. It's a great deal!

The last thing my husband and I want is to experience a major change within the Park that might impact on why we chose, live in and love University Park. We want to preserve our life style, the green space provided by the country club and additional negotiated owner land and maintain the natural beauty we see and appreciate every single day as we look out our windows, ride our bikes, golf, or just wander down Park Boulevard and marvel at this beautiful place we call home. And then when we're ready to move on, we want to transfer that legacy to the next owner of our home.

Please help us ensure we can accomplish this with your support on the formation of a University Park Recreation District (**UPRD**).

Thank you and regards.

Peggy Lowndes Planning Group Member  
and Peter Lowndes  
Residents, University Park  
7222 St. John's Way

## Bobbi Roy

---

**From:** Vida Gordon  
**Sent:** Monday, July 30, 2018 12:04 PM  
**To:** Richard Crouch; Betsy Benac; Carol Whitmore; Charles Smith; Priscilla WhisenantTrace; Robin DiSabatino; Stephen R Jonsson; Vanessa Baugh  
**Cc:** Debbie Bassett; Bobbi Roy  
**Subject:** RE: SUPPORT UNIVERSITY PARK RECREATION DISTRICT

Mr. Crouch,

University Park Recreation District PLN1805-0007/CDD18-03

Thank you for writing to share your concerns. Your email is hereby acknowledged as received by the Board of County Commissioners and will also be forwarded to staff of Building & Development Services and the County Attorney's Office for inclusion as public comments for this hearing.

As well as your written correspondence you are welcome to attend the hearing, currently scheduled for **August 2, 2018**, to offer your comments and opinions.

On behalf of Chairman Trace and the other Commissioners, thank you for your interest and participation.

Thank you in advance,  
Vida Gordon  
Executive Assistant  
Board of County Commissioners  
Manatee County Administration Office  
1112 Manatee Avenue West  
Suite #902  
Bradenton, Florida 34205  
Phone: 941-745-3721  
Fax: 941-745-3790  
E-mail: [vida.gordon@mymanatee.org](mailto:vida.gordon@mymanatee.org)



---

**From:** Richard Crouch <[richardlc2004@yahoo.com](mailto:richardlc2004@yahoo.com)>  
**Sent:** Sunday, July 29, 2018 3:10 PM  
**To:** Priscilla WhisenantTrace <[priscilla.whisenanttrace@mymanatee.org](mailto:priscilla.whisenanttrace@mymanatee.org)>; Charles Smith <[Charles.Smith@mymanatee.org](mailto:Charles.Smith@mymanatee.org)>; Stephen R Jonsson <[steve.jonsson@mymanatee.org](mailto:steve.jonsson@mymanatee.org)>; Robin DiSabatino <[robin.disabatino@mymanatee.org](mailto:robin.disabatino@mymanatee.org)>; Vanessa Baugh <[vanessa.baugh@mymanatee.org](mailto:vanessa.baugh@mymanatee.org)>; Carol Whitmore <[carol.whitmore@mymanatee.org](mailto:carol.whitmore@mymanatee.org)>; [betsybenac@mymanatee.org](mailto:betsybenac@mymanatee.org)  
**Subject:** SUPPORT UNIVERSITY PARK RECREATION DISTRICT

Dear Commissioners,

I am writing to all of you to voice support for the formation of the **University Park Recreation District**. As a member of the planning group, a resident and a member of the Country Club, I heartily support and advocate the passing of the Ordinance to be presented to you on Tuesday August 2.

As many of you are aware, the Ordinance is a result of a very transparent/inclusive 14 month process of communication with all residents of University Park. Nearly 80% of the eligible voters signed petitions for the creation of the District in a 10 day period and 85% of all residents(including those not registered to vote in Manatee County) agree with the creation of a Recreation District and its related average cost per home as fair.

Warmest Regards,

Richard L Crouch ( University Park Resident)

Richard L. Crouch 7301 Chatsworth Court University Park, FL 34201 Phone: 941-355-1443

## Bobbi Roy

---

**From:** Vida Gordon  
**Sent:** Monday, July 30, 2018 12:03 PM  
**To:** Pete PZ; Betsy Benac; Carol Whitmore; Charles Smith; Priscilla WhisenantTrace; Robin DiSabatino; Stephen R Jonsson; Vanessa Baugh  
**Cc:** Debbie Bassett; Bobbi Roy  
**Subject:** RE: University Park Recreational District

Mr. Pizzi,

[University Park Recreation District PLN1805-0007/CDD18-03](#)

Thank you for writing to share your concerns. Your email is hereby acknowledged as received by the Board of County Commissioners and will also be forwarded to staff of Building & Development Services and the County Attorney's Office for inclusion as public comments for this hearing.

As well as your written correspondence you are welcome to attend the hearing, currently scheduled for **August 2, 2018**, to offer your comments and opinions.

On behalf of Chairman Trace and the other Commissioners, thank you for your interest and participation.

Thank you in advance,  
Vida Gordon  
Executive Assistant  
Board of County Commissioners  
Manatee County Administration Office  
1112 Manatee Avenue West  
Suite #902  
Bradenton, Florida 34205  
Phone: 941-745-3721  
Fax: 941-745-3790  
E-mail: [vida.gordon@mymanatee.org](mailto:vida.gordon@mymanatee.org)



**From:** Pete PZ <pz2arch@gmail.com>  
**Sent:** Sunday, July 29, 2018 2:52 PM  
**To:** Priscilla WhisenantTrace <priscilla.whisenanttrace@mymanatee.org>  
**Subject:** University Park Recreational District

Dear Commissioner,

Thank you for your consideration to approve our proposed Recreational District for University Park. Our residents are enthusiastic (85%) to purchase

the property from the original developers and to manage our environment going forward.

Thank you as well for all the time, energy and expertise you have given to Manatee County.

Respectfully,

Peter A. Pizzi  
7204 Saint Georges Way  
University Park, FL 34201

## Bobbi Roy

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**From:** Vida Gordon  
**Sent:** Monday, July 30, 2018 12:02 PM  
**To:** lisabeth bertsch; Betsy Benac; Carol Whitmore; Charles Smith; Priscilla WhisenantTrace; Robin DiSabatino; Stephen R Jonsson; Vanessa Baugh  
**Cc:** Debbie Bassett; Bobbi Roy  
**Subject:** RE: University Park Recreation District Vote

Mrs. Bertsch,

University Park Recreation District PLN1805-0007/CDD18-03

Thank you for writing to share your concerns. Your email is hereby acknowledged as received by the Board of County Commissioners and will also be forwarded to staff of Building & Development Services and the County Attorney's Office for inclusion as public comments for this hearing.

As well as your written correspondence you are welcome to attend the hearing, currently scheduled for **August 2, 2018**, to offer your comments and opinions.

On behalf of Chairman Trace and the other Commissioners, thank you for your interest and participation.

Thank you in advance,  
Vida Gordon  
Executive Assistant  
Board of County Commissioners  
Manatee County Administration Office  
1112 Manatee Avenue West  
Suite #902  
Bradenton, Florida 34205  
Phone: 941-745-3721  
Fax: 941-745-3790  
E-mail: [vida.gordon@mymanatee.org](mailto:vida.gordon@mymanatee.org)



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**From:** lisabeth bertsch <[lisabeth\\_bertsch@yahoo.com](mailto:lisabeth_bertsch@yahoo.com)>  
**Sent:** Sunday, July 29, 2018 2:22 PM  
**To:** Priscilla WhisenantTrace <[priscilla.whisenanttrace@mymanatee.org](mailto:priscilla.whisenanttrace@mymanatee.org)>; Charles Smith <[Charles.Smith@mymanatee.org](mailto:Charles.Smith@mymanatee.org)>; Stephen R Jonsson <[steve.jonsson@mymanatee.org](mailto:steve.jonsson@mymanatee.org)>; Robin DiSabatino <[robin.disabatino@mymanatee.org](mailto:robin.disabatino@mymanatee.org)>; Vanessa Baugh <[vanessa.baugh@mymanatee.org](mailto:vanessa.baugh@mymanatee.org)>; Carol Whitmore <[carol.whitmore@mymanatee.org](mailto:carol.whitmore@mymanatee.org)>; Betsy Benac <[betsy.benac@mymanatee.org](mailto:betsy.benac@mymanatee.org)>  
**Subject:** University Park Recreation District Vote

To the Manatee County Commissioners:

My husband and I have lived in University Park Country Club for 3 years having moved from Bradenton because we fell in love with the park like setting and amenities of UPCC. It was a thoughtful move after having seen many homes in many neighborhoods in both Sarasota and Manatee Counties and we are very determined to do what ever we can to ensure that we continue to have a beautiful and well run community. The vote for the establishment of the Recreation District which would allow us the homeowners and residents to fully operate and control our destiny is in your capable hands. We hope that you will vote in favor or the RD because it is the right and prudent thing to do. The overwhelming majority (85%) of eligible voters want this to pass. The reality is if it doesn't we will be looking at over development and loss of green space, devaluation of our homes, potential loss of the social structure and amenities of the club. The deal with the current owners was negotiated in good faith and the evaluation of options guided by well respected consultants (Fishkind, Hopping, Green, Sams, and Barnebey) shows the effort that was made to investigate all options and find a fair and equitable deal for all parties. We encourage your support for the ordinance when it is presented on August 2nd.

Thank you for all that you do for the residents of Manatee County.

Regards,

Beth & Gary Bertsch  
7646 Heathfield Court  
University Park, Fl. 34201

## Bobbi Roy

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**From:** Vida Gordon  
**Sent:** Monday, July 30, 2018 12:01 PM  
**To:** Michael Smith; Betsy Benac; Carol Whitmore; Charles Smith; Priscilla WhisenantTrace; Robin DiSabatino; Stephen R Jonsson; Vanessa Baugh  
**Cc:** Debbie Bassett; Bobbi Roy  
**Subject:** RE: Requesting Your Support - Formation of University Park Recreational District

Mr. Smith,

University Park Recreation District PLN1805-0007/CDD18-03

Thank you for writing to share your concerns. Your email is hereby acknowledged as received by the Board of County Commissioners and will also be forwarded to staff of Building & Development Services and the County Attorney's Office for inclusion as public comments for this hearing.

As well as your written correspondence you are welcome to attend the hearing, currently scheduled for **August 2, 2018**, to offer your comments and opinions.

On behalf of Chairman Trace and the other Commissioners, thank you for your interest and participation.

Thank you in advance,

Vida Gordon  
Executive Assistant  
Board of County Commissioners  
Manatee County Administration Office  
1112 Manatee Avenue West  
Suite #902  
Bradenton, Florida 34205  
Phone: 941-745-3721  
Fax: 941-745-3790  
E-mail: [vida.gordon@mymanatee.org](mailto:vida.gordon@mymanatee.org)



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**From:** Michael Smith <[michael@sbcassociates.com](mailto:michael@sbcassociates.com)>  
**Sent:** Sunday, July 29, 2018 12:14 PM  
**To:** Priscilla WhisenantTrace <[priscilla.whisenanttrace@mymanatee.org](mailto:priscilla.whisenanttrace@mymanatee.org)>; Charles Smith <[Charles.Smith@mymanatee.org](mailto:Charles.Smith@mymanatee.org)>; Stephen R Jonsson <[steve.jonsson@mymanatee.org](mailto:steve.jonsson@mymanatee.org)>; Robin DiSabatino <[robin.disabatino@mymanatee.org](mailto:robin.disabatino@mymanatee.org)>; Vanessa Baugh <[vanessa.baugh@mymanatee.org](mailto:vanessa.baugh@mymanatee.org)>; Betsy Benac <[betsy.benac@mymanatee.org](mailto:betsy.benac@mymanatee.org)>; Carol Whitmore <[carol.whitmore@mymanatee.org](mailto:carol.whitmore@mymanatee.org)>  
**Subject:** Requesting Your Support - Formation of University Park Recreational District

Good Morning Commissioners,

The purpose of this email is to request your active support for the formation of the University Park Recreational District. I am a homeowner in University Park and a full-time resident of Manatee County, Florida. As I suspect you know the community has engaged in a well researched and thoughtfully executed plan to negotiate the acquisition of the 366 acres and assets associated with University Park Country Club. This has been done with a commitment of keeping everyone in the community engaged, informed and involved in every step of the process. We have a resounding level of active and vocal support from over 80% plus within the community. There are a few stragglers who resist change in any form which is to be expected given the demographics of any community. We believe the formation of a Recreational District is a uniquely creative method for ensuring the ongoing preservation of a truly amazing enclave for all of Manatee County to enjoy.

I respectfully request that you enthusiastically endorse this unique opportunity to preserve a “a crown jewel” in our wonderful County and community. In advance, thank you for your active support of this most important initiative.

Regards,

Michael Smith  
7419 Ascot Court  
University Park  
Bradenton, FL. 34201

303-472-0101

## Bobbi Roy

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**From:** Vida Gordon  
**Sent:** Monday, July 30, 2018 12:00 PM  
**To:** Dick Tuley; Betsy Benac; Carol Whitmore; Charles Smith; Priscilla WhisenantTrace; Robin DiSabatino; Stephen R Jonsson; Vanessa Baugh  
**Cc:** Debbie Bassett; Bobbi Roy  
**Subject:** RE: University Park Recreation District

Mr. Tuley,

University Park Recreation District PLN1805-0007/CDD18-03 Thank you for writing to share your concerns. Your email is hereby acknowledged as received by the Board of County Commissioners and will also be forwarded to staff of Building & Development Services and the County Attorney's Office for inclusion as public comments for this hearing.

As well as your written correspondence you are welcome to attend the hearing, currently scheduled for August 2, 2018, to offer your comments and opinions.

On behalf of Chairman Trace and the other Commissioners, thank you for your interest and participation.

Thank you in advance,  
Vida Gordon  
Executive Assistant  
Board of County Commissioners  
Manatee County Administration Office  
1112 Manatee Avenue West  
Suite #902  
Bradenton, Florida 34205  
Phone: 941-745-3721  
Fax: 941-745-3790  
E-mail: vida.gordon@mymanatee.org

-----Original Message-----

From: Dick Tuley <dick.tuley@gmail.com>  
Sent: Saturday, July 28, 2018 9:53 AM  
To: Priscilla WhisenantTrace <priscilla.whisenanttrace@mymanatee.org>  
Subject: University Park Recreation District

Dear Commissioner Trace:

I understand that on Thursday, August 2, 2018 the Board of County Commissioners will consider the ordinance establishing the University Park Recreation District. I encourage you to vote for this ordinance.

I have lived in University Park for over 22 years and have seen it grow from a small upstart community to one of the preeminent gated communities in southwest Florida. During those 22 years I have served in a number of positions in this community and it's country club and have come to appreciate the lifestyle that is the center of everything about

University Park. I would prefer this lifestyle to continue as is but that is not possible since the owners have clearly indicated they need to monetize their investment by either selling the club, preferable to the residents, or redeveloping the property. That redevelopment would destroy our lifestyle.

A group of volunteers was established 16 months ago to study our options to acquire this club. I was proud to be a part of this effort and believe the best option is the formation of this Recreation District. We are very pleased that this plan received nearly 80% support in a petition drive conducted in a ten day period last winter of eligible voters and about 85% approval from surveys taken from all residents. There is only a very small minority of residents that do not support this plan and to be honest, that is not significant. And, most important, they have not proposed any alternate plan to resolve the owners plans to monetize their investment which I think really destroys their argument.

We have worked with the County Attorney, County Administrator and the Supervisor of Elections during this process as well as a number of top-notch experts and all support this plan and now it's time to move forward and the next step in this process is the passage of the ordinance on August 2 and we would appreciate your support.

Dick Tuley  
7706 Sloane Gardens Court  
University Park, FL 34201

## Bobbi Roy

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**From:** Vida Gordon  
**Sent:** Monday, July 30, 2018 11:58 AM  
**To:** ROBERT JENSEN; Betsy Benac; Carol Whitmore; Charles Smith; Priscilla WhisenantTrace; Robin DiSabatino; Stephen R Jonsson; Vanessa Baugh  
**Cc:** Debbie Bassett; Bobbi Roy  
**Subject:** RE: The Proposal to Form University Park Community into a Recreation District

Mr. Jensen,

University Park Recreation District PLN1805-0007/CDD18-03

Thank you for writing to share your concerns. Your email is hereby acknowledged as received by the Board of County Commissioners and will also be forwarded to staff of Building & Development Services and the County Attorney's Office for inclusion as public comments for this hearing.

As well as your written correspondence you are welcome to attend the hearing, currently scheduled for **August 2, 2018**, to offer your comments and opinions.

On behalf of Chairman Trace and the other Commissioners, thank you for your interest and participation.

Thank you in advance,

Vida Gordon  
Executive Assistant  
Board of County Commissioners  
Manatee County Administration Office  
1112 Manatee Avenue West  
Suite #902  
Bradenton, Florida 34205  
Phone: 941-745-3721  
Fax: 941-745-3790  
E-mail: [vida.gordon@mymanatee.org](mailto:vida.gordon@mymanatee.org)



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**From:** ROBERT JENSEN <[finlandia@comcast.net](mailto:finlandia@comcast.net)>  
**Sent:** Saturday, July 28, 2018 8:52 AM  
**To:** Vanessa Baugh <[vanessa.baugh@mymanatee.org](mailto:vanessa.baugh@mymanatee.org)>; Charles Smith <[Charles.Smith@mymanatee.org](mailto:Charles.Smith@mymanatee.org)>; Stephen R Jonsson <[steve.jonsson@mymanatee.org](mailto:steve.jonsson@mymanatee.org)>; Priscilla WhisenantTrace <[priscilla.whisenanttrace@mymanatee.org](mailto:priscilla.whisenanttrace@mymanatee.org)>; Carol Whitmore <[carol.whitmore@mymanatee.org](mailto:carol.whitmore@mymanatee.org)>; Betsy Benac <[betsy.benac@mymanatee.org](mailto:betsy.benac@mymanatee.org)>; Robin DiSabatino <[robin.disabatino@mymanatee.org](mailto:robin.disabatino@mymanatee.org)>  
**Cc:** Tom Lordi <[tomilordi@yahoo.com](mailto:tomilordi@yahoo.com)>  
**Subject:** Fwd: The Proposal to Form University Park Community into a Recreation District

Dear Commissioners:

I am a 13 year homeowner and resident of University Park Country Club (the community (UP) and the country club are separate entities). I wish to support the views expressed by Mr. and Mrs. Tom Lordi in the attached email to you regarding the proposed Recreation District (RD) for University Park.

Some facts Mr. Lordi validly exposes are particularly troubling to me:

1. From the very beginning this project has been managed by Club members in a group of approximately 25 picked by Mr. John Whyte, currently the President of the UP HOA. All but approximately 3 are not members of the Club. There was no effort by Mr. Whyte to put out a solicitation to all UP homeowners informing us a priori of this committee's formation and inviting us to participate in the project. In fact the project has really been run by Mr. Whyte and a small handful of golfing members of the Club. In my opinion this has biased the process and the assertions and facts presented.
2. I agree with Mr. Lordi that the multiple appraisals process, including the first done by an out of state appraiser, have been done in a manner that begs suspicion about the value of the land and structures of the Club. A new appraisal should be commissioned in an unbiased manner using a qualified appraiser licensed by the State of Florida and shown to be independent of influence by either the developers or the project team on the UP side.
3. If this RD and the supporting bond issue (excessive amount \$16M+ of which goes to Mr. Neal and his partners) are approved, property taxes will increase in the range of 15-20% according to the formula proposed and applied to our homes current assessed county determined market values. ....Not chicken feed and costs which many in UP cannot afford.
4. It's been asserted that an RD will positively impact home resale values. I'm an economist and know that the exact impact on home values of increased property taxes and other financial burdens cannot be determined with any precision because a variety of assumed factors change over time. It is likely that some, not all, home seekers may value a club amenity. But, overall the market will without question recognize added tax costs and the financial risks associated with Club operations. Consequently prices will come under pressure at the margins compared to what they would have been without the RD burden. This is particularly true for the many relatively modest homes in UP.
5. While the homeowners will pay for the bond we will not hold title to the property, ie. golf course, the Club house and other amenities. Frankly, no one has answered the question to me as to who 'owns' this property should the RD come to life.
6. Should the RD come to exist it will be managed by an elected Board from the resident population. Residents mean occupants whether they are title holders of the home or just renters with minimal interests in UP's well being. I have yet to see the legal basis for this assertion. Why should renters have a vote in anything ? This Board will essentially have carte blanche as to all expense and operational aspects of the Club, and can at their prerogative use the dollar reserve from the

initial bond. They can incur further debt without homeowners approval. And it has been suggested that those who structured this deal are the ones who should be elected to the Board because of their "experience". Again, consideration for a broad representation of many homeowners is under attack !

7. Further, as the RD issue is proceeding the HOA (UPCAI) is being transferred from the developer to homeowners. The covenants and regulations are being revised by the same folks mentioned in #1 above. Again, there was no solicitation of others in the Community and to my knowledge no process has been published for homeowner approval of the new documents nor the election of the HOA Board. Given that both the Club and the HOA projects are run by the same group mentioned in #1, I am concerned that the interests of the HOA will be subordinated to the interests of the Club, including the passing of debt supported by increments in HOA assessments and debt. This is plausible given the interlocked interests of the golfer/club member dominated Boards that will emerge.

i have several more objections. An alternative to the RD needs to be fully studied with the participation of a broad spectrum of UP homeowners and not just a select group of golfers. Enabling Mr. Neal and his partners to divest of the club is fully appropriate. But, it has to be done at a fair price and in a manner that involves the broad community of residents and their views.

Sincerely,

Robert Jensen

7103 Chatsworth Ct.

University Park, FL 34201

941-552-6432

----- Original Message -----

From: Tom Lordi <[tomilordi@yahoo.com](mailto:tomilordi@yahoo.com)>

To: "[vanessa.baugh@mymanatee.org](mailto:vanessa.baugh@mymanatee.org)" <[vanessa.baugh@mymanatee.org](mailto:vanessa.baugh@mymanatee.org)>, Robin DiSabatino <[robin.disabatino@mymanatee.org](mailto:robin.disabatino@mymanatee.org)>, "[charles.smith@mymanatee.org](mailto:charles.smith@mymanatee.org)" <[charles.smith@mymanatee.org](mailto:charles.smith@mymanatee.org)>, "[steve.jonsson@mymanatee.org](mailto:steve.jonsson@mymanatee.org)" <[steve.jonsson@mymanatee.org](mailto:steve.jonsson@mymanatee.org)>, "[priscilla.trace@mymanatee.org](mailto:priscilla.trace@mymanatee.org)" <[priscilla.trace@mymanatee.org](mailto:priscilla.trace@mymanatee.org)>, "[carol.whitmore@mymanatee.org](mailto:carol.whitmore@mymanatee.org)" <[carol.whitmore@mymanatee.org](mailto:carol.whitmore@mymanatee.org)>, "[betsy.benac@mymanatee.org](mailto:betsy.benac@mymanatee.org)" <[betsy.benac@mymanatee.org](mailto:betsy.benac@mymanatee.org)>

Date: July 18, 2018 at 10:06 PM

Subject: The Proposal to Form University Park Community into a Recreation District

Dear Commissioners:

Soon you will be presented with a proposal to approve a charter for incorporation of the University Park Community as a recreation district. Representing a faction of residents in the community who are

greatly opposed to this proposal, we are writing to you to respectfully ask your consideration of our opposition. Our position follows:

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Over the past few months since the University Park Homeowners' Association (UPCAI) announced that they had been in negotiations with the developer of our community to purchase his golf course and related assets (UPCC) by means of forming our community into a recreation district (RD), we have been trying to find comfort in the assumption that this process was being undertaken with the good of the entire community in mind. As more information became available, however, it is increasingly obvious to us that the will of the majority is no longer relevant. The community has fallen subject to an aggressively self serving faction that is unfortunately about the business of furthering the developer's ends, and those of a small portion of the community who are members of the UPCC.

For these months the UPCA Board, on which, interestingly, the developer holds a two-thirds majority, have been conducting negotiations with little or no transparency. "Due diligence", estimated at nearly \$100,000, has been funded by the UPCA reserves without a mandate from the residents, nor without any effort to get such a mandate, in clear violation of the Community CC&Rs, article 7.6, which explicitly prohibits such expenditures. The expense of the due diligence notwithstanding, it contains a deeply flawed appraisal, done by an unlicensed land value appraiser, that is nonetheless serving as the basis for the highly inflated acquisition price that has been proposed and tentatively accepted by the UPCA.

Then, in addition to the purchase price being extremely high compared to other recently sold courses in the area, the UPCA is insisting on forming the community into a recreation district to raise the capital required for this ill-advised acquisition. As you know, in a recreation district all homeowners are **permanently** responsible for the club's continued viability providing the golf members with a hugely disproportionate benefit. Normally, if a country club needs additional funding it assesses its members. Under the RD scenario, however, responsibility for the club's financial shortfalls will fall on all the homeowners. Thus, because only about 20% of the homeowners are golfers, 80% of the money raised will come from non-golfers. Furthermore, there will most certainly be future additional assessments and/or bond underwritings. The RD thus obliges all UP residents to be paying in perpetuity for an under-performing asset, as all golf courses are. Every year there are fewer golfers in general, and more clubs are in debt, or failing entirely.

Again, particularly troubling with the RD arrangement is that the initial acquisition is only the beginning. What follows are the costs of deferred maintenance, ongoing maintenance, capital improvements and cash flow shortfalls which will assuredly amount to additional HOA annual assessments beyond the initial ad valorem tax imposed by the RD. Per the proposed RD charter these additional assessments may be levied without homeowner approval. Furthermore, additional 30 year bonds may well be underwritten

to the account of ALL the residents should there be required any expenditure beyond a threshold value, typically \$1MM. The recreation district represents a significant financial burden to all residents. One that will only increase over time. This onerous proposal is essentially "an open checkbook" and represents a serious inequity for the majority of our residents. It is noteworthy that its negative impact on the market value of our homes is already being felt. There is compelling evidence of a significant drop in home values in the community. One estimate predicts over a 35% drop has already occurred, which would translate to an equivalent drop in the property tax revenues paid to Manatee County from the community

Finally, and perhaps the most egregious affront to the democratic process was the manner in which the petition vote for the recreation district was conducted. UPCA representatives (also in violation of the CC&Rs) solicited votes door-to-door, while allowing no voice to those in the community opposed to the recreation district. Many of the residents complained subsequently of being cajoled, intimidated or simply too ill informed to deny their signature. So, the UPCA claim of an 80% favorable vote for the RD is nowhere close to reality. Clearly a re-vote is in order, and this time should be done appropriately by mail in ballot under the supervision of Manatee County as was done for the proposed Braden River recreation district.

The approach the UPCA has taken in these negotiations with the developer has been unilateral, without regard for the wishes of the majority of the residents. We were even threatened with overdevelopment and/or agricultural zoning if the purchase did not go through as the Developer and the UPCA recommend.

Why then can't our community be allowed to come together and work constructively through this problem in a manner that would result in an equitable resolution? Why couldn't we pursue this problem as our neighbors at the Meadows have done; or also at the Laurel Oaks community where an equity partnership is being sought, so that the responsibility of the country club is kept independent from the residents. It shouldn't be that difficult! We should be permitted to examine more palatable alternatives before all of us being saddled with a perpetual and ever increasing financial burden!

At what point will enough become enough. Are we to always allow the ever increasing appetite for development in our area to go unabated. Please allow the people to have a voice. Deny the petition for a recreation district at University Park.

Respectfully,

Tom & Sue Lordi,  
University Park

## Bobbi Roy

---

**From:** Marianne Lopata  
**Sent:** Friday, July 27, 2018 4:06 PM  
**To:** VINCENT BENI  
**Cc:** Bobbi Roy; Debbie Bassett; Betsy Benac; Carol Whitmore; Charles Smith; Priscilla WhisenantTrace; Robin DiSabatino; Stephen R Jonsson; Vanessa Baugh  
**Subject:** RE: University Park Recreation District

University Park Recreation District PLN1805-0007/CDD18-03

Thank you for writing to share your concerns. Your email is hereby acknowledged as received by the Board of County Commissioners and will also be forwarded to staff of Building & Development Services and the County Attorney's Office for inclusion as public comments for this hearing.

As well as your written correspondence you are welcome to attend the hearing, currently scheduled for **August 2, 2018**, to offer your comments and opinions.

On behalf of Chairman Trace and the other Commissioners, thank you for your interest and participation.

*Marianne Lopata*

Executive Administrative Assistant  
Board of County Commissioners  
Phone: (941) 745-3707; Fax: (941) 745-3790  
E-mail: [marianne.lopata@mymanatee.org](mailto:marianne.lopata@mymanatee.org)



---

**From:** VINCENT BENI <vbeni@comcast.net>  
**Sent:** Friday, July 27, 2018 3:49 PM  
**To:** Priscilla WhisenantTrace <priscilla.whisenanttrace@mymanatee.org>  
**Subject:** University Park Recreation District

Commissioner Trace,

In March I wrote to you and met with you about the proposed University Park Recreation District. Next week the proposed ordinance will be on the agenda for approval by the Board.

The process to get to this point has been very deliberate. A 25 person volunteer committee, directed by expert consultants, has spent the time (more than 13 months) getting the community to understand the options available to it as Mr. Neal informed us of his intent to sell the club and remaining property. Our communication has been thorough and comprehensive. The overwhelming positive response from the community has shown us that our outreach efforts were successful.

The petition process was open only to registered voters. (statute) We needed a majority (775) of those individuals to sign. More than 1200 actually signed petitions. They were fully informed about the proposed purchase price as well as the implications for increased taxes on their individual homes. Since there were several people unable to sign petitions because of their voting status, we issued a professionally developed survey so that every resident could have a voice. Once again, it was clear that the message had been well-received. With an incredible **86% response rate**, more than **83% were clearly in favor** of the RD. Only **4% were very negative**; another **5% were somewhat negative**.

*In my 35+ years of public service, I have never experienced such overwhelming support for an initiative.*

We are not asking the County to have any responsibility for the RD besides approving its establishment and hope that your vote will be in favor of its creation on August 2.

Thank you for your service!  
Vincent Beni  
7214 Chatsworth Court  
University Park, FL 34201

## Bobbi Roy

---

**From:** Marianne Lopata  
**Sent:** Friday, July 27, 2018 4:05 PM  
**To:** Michele  
**Cc:** Bobbi Roy; Debbie Bassett; Betsy Benac; Carol Whitmore; Charles Smith; Priscilla WhisenantTrace; Robin DiSabatino; Stephen R Jonsson; Vanessa Baugh  
**Subject:** RE: Creation of University Park Recreation District

### University Park Recreation District PLN1805-0007/CDD18-03

Thank you for writing to share your concerns. Your email is hereby acknowledged as received by the Board of County Commissioners and will also be forwarded to staff of Building & Development Services and the County Attorney's Office for inclusion as public comments for this hearing.

As well as your written correspondence you are welcome to attend the hearing, currently scheduled for **August 2, 2018**, to offer your comments and opinions.

On behalf of Chairman Trace and the other Commissioners, thank you for your interest and participation.

#### *Marianne Lopata*

Executive Administrative Assistant  
Board of County Commissioners  
Phone: (941) 745-3707; Fax: (941) 745-3790  
E-mail: [marianne.lopata@mymanatee.org](mailto:marianne.lopata@mymanatee.org)



#### -----Original Message-----

**From:** Michele <[m beni1@comcast.net](mailto:m beni1@comcast.net)>  
**Sent:** Friday, July 27, 2018 3:48 PM  
**To:** Priscilla WhisenantTrace <[priscilla.whisenantrace@mymanatee.org](mailto:priscilla.whisenantrace@mymanatee.org)>  
**Subject:** Creation of University Park Recreation District

Dear Ms. Trace -

I purchased a home in Manatee due to the natural beauty in University Park Country Club. As you are aware, the current owners intend to close the Club and prepare the land for sale.

Your support of the ordinance creating the University Park Recreation District, on August 2, 2018, would help prevent destruction of our peaceful and precious habitat.

Sincere appreciation -  
Michele Beni

Sent from my iPad

## Bobbi Roy

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**From:** Marianne Lopata  
**Sent:** Friday, July 27, 2018 3:40 PM  
**To:** Michael Sisti  
**Cc:** Bobbi Roy; Debbie Bassett; Betsy Benac; Carol Whitmore; Charles Smith; Priscilla WhisenantTrace; Robin DiSabatino; Stephen R Jonsson; Vanessa Baugh  
**Subject:** RE: In Support of University Park Recreation District

### University Park Recreation District PLN1805-0007/CDD18-03

Thank you for writing to share your concerns. Your email is hereby acknowledged as received by the Board of County Commissioners and will also be forwarded to staff of Building & Development Services and the County Attorney's Office for inclusion as public comments for this hearing.

As well as your written correspondence you are welcome to attend the hearing, currently scheduled for **August 2, 2018**, to offer your comments and opinions.

On behalf of Chairman Trace and the other Commissioners, thank you for your interest and participation.

### *Marianne Lopata*

Executive Administrative Assistant  
Board of County Commissioners  
Phone: (941) 745-3707; Fax: (941) 745-3790  
E-mail: [marianne.lopat@mymanatee.org](mailto:marianne.lopat@mymanatee.org)



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**From:** Michael Sisti <michaelsisti@comcast.net>  
**Sent:** Friday, July 27, 2018 3:27 PM  
**To:** Priscilla WhisenantTrace <priscilla.whisenanttrace@mymanatee.org>  
**Subject:** In Support of University Park Recreation District

Hi Priscilla,

As a full-time resident of University Park, I am enthusiastically in favor of forming the Recreation District and acquiring the open space land and country club in order to preserve the natural beauty of this special development, and to protect my home value.

I trust you will support this endeavor.

Michael Sisti

--

6940 Lennox Place

University Park, FL 34201  
941-302-4421  
<http://www.michaelsisti.com>

## **Bobbi Roy**

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**From:** Vida Gordon  
**Sent:** Friday, July 27, 2018 2:49 PM  
**To:** Betsy Benac; Carol Whitmore; Charles Smith; Priscilla WhisenantTrace; Robin DiSabatino; Stephen R Jonsson; Vanessa Baugh  
**Cc:** Marianne Lopata; Debbie Bassett; Bobbi Roy  
**Subject:** FW: Creation of a University Park Recreation District

Mr. Whyte,

[University Park Recreation District PLN1805-0007/CDD18-03](#)

Thank you for writing to share your concerns. Your email is hereby acknowledged as received by the Board of County Commissioners and will also be forwarded to staff of Building & Development Services and the County Attorney's Office for inclusion as public comments for this hearing.

As well as your written correspondence you are welcome to attend the hearing, currently scheduled for **August 2, 2018**, to offer your comments and opinions.

On behalf of Chairman Trace and the other Commissioners, thank you for your interest and participation.

Thank you in advance,

Vida Gordon  
Executive Assistant  
Board of County Commissioners  
Manatee County Administration Office  
1112 Manatee Avenue West  
Suite #902  
Bradenton, Florida 34205  
Phone: 941-745-3721  
Fax: 941-745-3790  
E-mail: [vida.gordon@mymanatee.org](mailto:vida.gordon@mymanatee.org)



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**From:** john whyte [<mailto:whytejo@comcast.net>]

**Sent:** Friday, July 27, 2018 2:45 PM

**To:** Priscilla WhisenantTrace <[priscilla.whisenanttrace@mymanatee.org](mailto:priscilla.whisenanttrace@mymanatee.org)>; Charles Smith <[Charles.Smith@mymanatee.org](mailto:Charles.Smith@mymanatee.org)>; Stephen R Jonsson <[steve.jonsson@mymanatee.org](mailto:steve.jonsson@mymanatee.org)>; Robin DiSabatino <[robin.disabatino@mymanatee.org](mailto:robin.disabatino@mymanatee.org)>; Vanessa Baugh <[vanessa.baugh@mymanatee.org](mailto:vanessa.baugh@mymanatee.org)>; Carol Whitmore

<carol.whitmore@mymanatee.org>; Betsy Benac <betsy.benac@mymanatee.org>

**Subject:** Creation of a University Park Recreation District

Commissioners,

I am a 15 year resident of University Park and have served on the Board of University Park Community Association for some 12 years.

The owners of University Park Country Club (Neal/Pasold families) informed me in March 2017 that they wished to sell their Club lands and assets in University Park to the residents. Their one condition was that this would be negotiated as a land deal and not the sale of an operating golf club. I formed a 25-person volunteer Planning Group to examine our options and to propose to residents the best deal that we believed they could have confidence in.

Our proposal is based on the formation of a Recreation District to acquire the recreation land assets in question. The potential alternative of the owners closing the Club and preparing the golf course for re-development is unthinkable for a very substantial majority of our 1200 Association members. The price that we have negotiated is consistent with other similar land deals in the area in recent years.

We have been guided in this complex process by experienced consultants - Fishkind & Associates; Mark Barnebey; and Mike Eckert of Hopping, Green & Sams - and their advice has been invaluable. We have also had excellent working relations with the County Administrator, County Attorney, County Property Appraiser and Supervisor of Elections. We have managed a transparent process since June 2017 with over 40 presentations, numerous meetings, active web-site, monthly newsletters, detail days, and countless email responses to requests for more information.

Our goal throughout this process has been to maintain the natural beauty and greenspace of our Park, but at an acceptable financial risk and affordable cost that could be spread across present and future homeowners. We strongly believe that all our residents, and not just those who play golf, will be the primary beneficiaries if we can achieve this. Mandatory Club membership was introduced over 10 years ago with a "grandfather clause" and since then resident or Club member have increasingly come to mean the same thing for over 80% of our homeowners.

We presented our proposal to residents across 16 meetings in January 2018. The survey that we then conducted resulted in an astonishing 86% response rate, with 83% in favor of the proposed RD approach. Nearly 80% of our eligible voters signed the Petition to request formation of the RD, in just a 10-day period! Clearly our proposal has massive and broad-based support in our community. However, we do recognize that there is, almost inevitably, a small group of residents (about 5%) who are vehemently opposed to the proposal, but who have been unable to propose any workable alternative.

I ask for your support for the ordinance to create a University Park Recreation District.

John R Whyte

President, University Park Community Association Inc.

## Bobbi Roy

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**From:** Vida Gordon  
**Sent:** Friday, July 27, 2018 10:37 AM  
**To:** Debbie Bassett; Bobbi Roy  
**Subject:** FW: Vote in favor for a RD for UPCC

Girls,

I apologize I did not forward this to you all as well.

Thank you,  
Vida

-----Original Message-----

**From:** Vida Gordon  
**Sent:** Friday, July 27, 2018 10:13 AM  
**To:** 'maria meredith' <Maria.Meredith@comcast.net>  
**Cc:** Marianne Lopata <marianne.lopata@mymanatee.org>; Betsy Benac <betsy.benac@mymanatee.org>; Carol Whitmore <carol.whitmore@mymanatee.org>; Charles Smith <Charles.Smith@mymanatee.org>; Priscilla WhisenantTrace <priscilla.whisenanttrace@mymanatee.org>; Robin DiSabatino <robin.disabatino@mymanatee.org>; Stephen R Jonsson <steve.jonsson@mymanatee.org>; Vanessa Baugh <vanessa.baugh@mymanatee.org>  
**Subject:** RE: Vote in favor for a RD for UPCC

Mrs. Meredith,

University Park Recreation District PLN1805-0007/CDD18-03

Thank you for writing to share your concerns. Your email is hereby acknowledged as received by the Board of County Commissioners and will also be forwarded to staff of Building & Development Services and the County Attorney's Office for inclusion as public comments for this hearing.

As well as your written correspondence, you are welcome to attend the hearing, currently scheduled for August 2, 2018, to offer your comments and opinions.

On behalf of Chairman Trace and the other Commissioners, thank you for your interest and participation.

Thank you in advance,

Vida Gordon  
Executive Assistant  
Manatee County Administration Office  
Board of County Commissioners  
1112 Manatee Avenue West  
Suite #902  
Bradenton, Florida 34205  
Phone: 941-745-3721  
Fax: 941-745-3790

E-mail: vida.gordon@mymanatee.org

-----Original Message-----

From: maria meredith [mailto:Maria.Meredith@comcast.net]

Sent: Friday, July 27, 2018 10:08 AM

To: Stephen R Jonsson <steve.jonsson@mymanatee.org>

Subject: Vote in favor for a RD for UPCC

Dear Mr. Steve Jonsson,

I am a University Park Country Club (UPCC) resident and am strongly in favor of establishing a Recreational District (RD) for our Community. I am planning on attending the August 2nd County Commissioners meeting and I encourage you to vote in favor of the RD.

We are fortunate to live in a wonderful community and would like to be able to manage it's future to sustain and control our environment. Please vote in favor of the RD for UPCC.

Thank you,

Mrs. M. Meredith

## Bobbi Roy

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**From:** Marianne Lopata  
**Sent:** Friday, July 27, 2018 11:07 AM  
**To:** Pat Thompson  
**Cc:** Bobbi Roy; Debbie Bassett; Betsy Benac; Carol Whitmore; Charles Smith; Priscilla WhisenantTrace; Robin DiSabatino; Stephen R Jonsson; Vanessa Baugh  
**Subject:** RE: ORDINANCE NO. 18-29: UNIVERSITY PARK RECREATION DISTRICT: Your support will be greatly appreciated

University Park Recreation District PLN1805-0007/CDD18-03

Thank you for writing to share your concerns. Your email is hereby acknowledged as received by the Board of County Commissioners and will also be forwarded to staff of Building & Development Services and the County Attorney's Office for inclusion as public comments for this hearing.

As well as your written correspondence you are welcome to attend the hearing, currently scheduled for **August 2, 2018**, to offer your comments and opinions.

On behalf of Chairman Trace and the other Commissioners, thank you for your interest and participation.

*Marianne Lopata*  
Executive Administrative Assistant  
Board of County Commissioners  
Phone: (941) 745-3707; Fax: (941) 745-3790  
E-mail: [marianne.lopata@mymanatee.org](mailto:marianne.lopata@mymanatee.org)



**From:** Pat Thompson <pat.jc.thompson@gmail.com>  
**Sent:** Friday, July 27, 2018 9:18 AM  
**To:** Priscilla WhisenantTrace <priscilla.whisenanttrace@mymanatee.org>  
**Cc:** Margo Thompson <thompsma@webster.edu>  
**Subject:** ORDINANCE NO. 18-29: UNIVERSITY PARK RECREATION DISTRICT: Your support will be greatly appreciated

Dear Councilwoman Trace:

From James C. "Pat" and Margo Thompson, 8109 Fairhaven Glen, UPCC

We will greatly appreciate your support of Ordinance No. 18-29.

The developer of UPCC notified the UPCC community in April 2017 that it intended to sell its holdings. The UPCC Planning Group, composed of homeowners with applicable backgrounds and experiences, was formed to pursue this opportunity and has worked closely with a team of professionals (Fishkind and Associates, Hopping Green and Sams, Mark Barnebey, and others) these past 14 months.

These professionals together with representatives from the UPCC Planning Group have in turn worked closely with the the Manatee County Attorney's office, Planning Department, Supervisor of Elections, and County Administrator's office to assure that the proposed Ordinance meets and exceeds the standards set forth in Florida Law and as required and/or recommended by Manatee County.

This sustained effort has led to Ordinance No. 18-29 being presented to the Manatee County Board of Commissioners for their consideration.

Most importantly the UPCC Planning Group promised and has been dedicated to creating a transparent and inclusive process for all homeowners and residents. This continuing effort included an active web site, newsletters on at least a monthly basis, 2 rounds of town hall meetings with all 32 UPCC neighborhoods with almost 1,000 attendees at each meeting, and 2 open "due diligence" sessions.

Through this effort the UPCC Planning Group has been encouraged and sustained by the documented support of more than 86 % of the homeowners and residents of UPCC.

We believe the adoption of Ordinance 18-29 provides the best opportunity and structure through which UPCC can become resident owned and resident controlled.

Again, we will greatly appreciate your support.

Thank you

James C. "Pat" and Margo Thompson

FYI Pat Thompson is a member of the UPCC Planning Group, and is one of the petitioners who helped develop and present this ordinance to the Board of Commissioners of Manatee County for their consideration. Almost 80 % of the eligible voters in UPCC provided signed petitions in support of the proposed ordinance.