

# **Royal Pelican Boating Association, Inc.**

**Notice of Board of Directors Meeting  
To Be Held**

**6-15-06 @ 3:30pm**

**Alliant Property Management**

**6700 Winkler Road, Suite #2**

**Ft. Myers, FL via**

**Teleconference\***

## **AGENDA**

**1) Call to Order**

**2) New Business**

**a. Boat Docks, Agreement with Fishtail Marina**

**3) Adjourn**

**JAMES BECKER**  
**4551 Bay Beach lane # 253**  
**Fort Myers Beach Florida 33931**  
**239-463-8999**  
**JimBecker@comcast.net**

**Thursday, April 20, 2006**

Mr. Al Durrett  
Fish-Tale Marina  
7225 Estero Blvd.  
Ft Myers Beach FL 33931

**Subject: Memorandums of Understanding.**

Dear Mr. Durrett,

Thank you for your time last Thursday, April 13, 2006 and your discussion of possible terms of agreement between you, your principles, and the Royal Pelican condo Association and the Royal Pelican Boating Cooperative.

We have held a joint meeting of the two boards and it was approved unanimously to write the following memorandums of understanding.

They are separate as each association has its own jurisdiction in this matter but I wish to assure you that there is cooperation between the two Royal Pelican groups.

We would ask you to review these memorandums and give us your input, agreement or changes and then we can meet again to further clarify the salient points for approval of the respective boards.

I understand that this issue has our complete attention and we look for a speedy conclusion and an agreement that will benefit all parties.

James Becker

Member, Royal Pelican Boating Cooperative

Copies:       Condo Board  
                  Boating Board

ROYAL PELICAN CONDO ASSOCIATION  
MEMO OF UNDERSTANDING  
4/20/2006

With respect to the construction of boat docks on Phase five the following will be provided by the Condo Association:

1. Permission for the installation of metered electricity for the phase 5 docks. All costs of installation to be paid by Mr. Durrett, property to be returned to the original condition.
2. Permission for the installation of metered water facilities for the phase 5 docks, property to be returned to the original condition.
3. Royal pelican condo association to allocate two Royal Pelican parking places for the phase 5 dock owners.
4. Permission for limited land based off-loading of construction materials while building the docks and walk way. No overnight storage of materials at the site. No sawing, planning or construction processes permitted on land. Contractor will bring only sufficient material for the days work. All trucks, trailers, floats and other vehicles at the site only during working hours and will be removed each evening. Property to be kept clean of construction debris at the end of each day. No heavy equipment permitted. All property will be returned to its original condition.

In return Mr. Durrett agrees to the following:

1. Abide by the rules and regulations of the Royal Pelican Condo Association.
2. To make a one time payment of \$125,000 to the Royal Pelican Condo Association.
3. Payment due upon signed agreement and before construction commences.
4. All other conditions apply as stated by the court judgments.
5. Allocate four parking places at the Bella Lago property as overflow parking for phase 5 boat slip owners.
6. Any damage to the sea wall during construction will be repaired by the contractor.

ROYAL PELICAN BOATING COOPERATIVE  
MEMO OF UNDERSTANDING  
4/20/2006

With regard to the west side of the Royal Pelican property, no development of boat docs will take place on Phase 6 land and it will not be used for boat mooring for 10 years, unless mutually agreed.

1. Mr. Durrett will pay the Royal Pelican Boating Cooperative. \$ 3600.00 per year for the first 5 years of the agreement and \$3960.00 per year for the next five years or a lump sum of \$37,800.00 one time payment for this concession.
2. As an alternative, Mr. Durrett will construct and pay for a four foot wide walkway extending over the water and reaching from phase 5 to the first existing slip on phase 6. Again, no mooring of boats there for ten years. He will pay a one time sum of \$ 20,000.00 to the Royal Pelican Boating Cooperative for this concession.

The Royal Pelican Cooperative agrees to proceed with the necessary actions required to allow the future owners of phase five boat slips to become members of the Royal Pelican Boating Cooperative or full cooperation between two independent associations, or some other arrangement mutually advantageous to both parties. This matter to be decided and put in place before the first slip is sold.

**ROYAL PELICAN CONDOMINIUM ASSOCIATION, INC.**

c/o Alliant Property Management, LLC  
6700 Winkler Rd. #2, Fort Myers, FL 33919  
239-454-1101 \* FAX 239-454-3996

To : Royal Pelican Owners  
Re;Phase 5 Docks

8/2/2006

After three years of negotiations, the board members of Royal Pelican have reached a settlement with the developers/owners of the Phase 5 property. The decision that was made by the courts, that Phase 5 boat docks were part of the original Bay Beach development order, left us with very little room to negotiate.

A follow-up court appearance awarded the developers easements to the approved docks. Royal Pelican Condo. Assn. had no choice in allowing the docks or the easements to them, the courts made that decision for us.

The vote by owners to continue to do everything in our power to try and stop the docks had complied with and we had lost in court.

During the past few months negotiations took place with Mr. Al Durett, the co-owner of Fishtail Marina. On July 25th 2006 we reached a settlement, which will allow the development to proceed. It will also put an end to our legal expenditures which have reached \$75,000.00.

Details of the agreement are contained in a lengthy document, a copy of which can be obtained by contacting the Royal Pelican Board.

The good news is that the agreement checks are in the bank. A \$125,000.00 check to the Royal Pelican Condominium Assoc. and the first of ten checks (one each year for 10 years) for approx. \$4,000.00 to the Royal Pelican Boating Assoc.

Without this agreement the docks would have gone in, by court order, without our receiving any monetary return and they would have installed a gas generator for power and a desalinator for their water supply. There was no way that the docks could be stopped once the court order was in place.

The board members have agreed to cooperate with the Phase 5 developers and future boat dock owners. It is our belief that the agreement will facilitate future cooperation.

From the beginning we knew that the Phase 5 issue would be costly, time consuming and at times frustrating. We believe that the final agreement is the best that could be negotiated. Any further attempts to reduce that which we have agreed to would result in additional fruitless costly court battles.

We believe that the development of the Phase 5 area, as proposed in the agreement, will have minimal impact on the quality of life at Royal Pelican. We thank you for your co-operation during the past few years and look forward to your continued support.

Ed Woike, Pres.



ROYAL PELICAN RULES  
FOR  
NON RESIDENT DOCK OWNERS

You have purchased a dock at Royal Pelican, and we want to make you aware of some rules that Royal Pelican owners and guests follow.

1. Please enter Royal Pelican at the east driveway. The road is one way going counter clockwise.
2. Do not drive under any Royal Pelican Building. (Each of us only drives under the building in which we live.)
3. Observe the 5 mph speed limit.
4. Avoid any loud noise at the docks between 11 p.m. and 8 a.m.
5. No overnight stay is allowed on boats at the dock.

In addition, dock owners are asked to drop off equipment and guests on either side of Building 5, accessing the boardwalk via the marked walkways. This is only a drop-off area; vehicles may not be parked in this area. Please remove your car as soon as equipment and guests are dropped off. Two parking spaces are reserved for dock owners south of the Royal Pelican Clubhouse. Please be sure to display your parking permit while parked at Royal Pelican. If those 2 spaces are occupied, you must park your car off of Royal Pelican property. Dock owners will have no access to restrooms, clubhouse or the Royal Pelican pools. Finally, we ask that you avoid using Royal Pelican dumpsters, but please be sure to remove all of your trash from Royal Pelican property.

We hope you enjoy your new docks. We appreciate you respecting the privacy of the Royal Pelican homeowners. We hope that we can all be good neighbors.

Royal Pelican Condominium Association