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July 30, 2023

VIA E-MAIL ONLY: amendez@leegov.com

Lee County Department of Community Development
Attn: Adam Mendez

Re: Nancy Lane Association, Inc./Opinion Letter Regarding Association's Zoning Application (ADD2024-00129)

Dear Mr. Mendez,

Please be advised this Law Firm represents the Nancy Lane Association, Inc. (the "Association"). In that capacity we have been directed to provide this opinion letter to Lee County concerning the Association's zoning application. The County is requesting an opinion as required by Section 34-201(a)(1) f. of the Lee County Code.

Specifically, Section 34-201(a)(1) f. provides as follows:

(a) *Initiation of application.* An application for a rezoning, mine excavation planned development under chapter 12, special exception, or variance may be initiated by:

(1) A landowner, or his authorized agent, for his own property. Where there is more than one owner, either legal or equitable, then all owners must jointly initiate the application or petition. Provided, however, that: ...

f. In addition to the authorization required under subsection e, applications that include property that is individually owned by homeowners, condominium unit owners, or timeshare unit owners must be accompanied by a letter of opinion from a licensed Florida attorney, who must attest that he has examined the declaration of condominium, the bylaws of the condominium or homeowners' association documents, and all other relevant legal documents or timeshare documents, as applicable, and concluded that the act of applying or petitioning to the County violates none of the provisions therein, or any federal or state law regulating condominiums, timeshare plans, or homeowners associations, or the rights of any

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of the unit/homeowners owners, as derived from such documents and laws, and that approval of the requested act by the County would violate no such rights.

This opinion letter is intended to comply with Section 34-201(a)(1) f., cited above, confirming that following our examination of the Declaration of Condominium, the Articles of Incorporation, and Bylaws for the Association, there is no prohibition in such documents concerning the Association's authority to submit the subject application. Nor does the subject application violate any rights of a Unit Owner contained in the foregoing documents.

Further, there is no federal or state law regulating condominiums which would prohibit the Association with filing the subject application.

We express no opinion in this letter as to any consent, approval, authorization, or other action or filing necessary for future assertions by the Association.

We express no opinion as to the laws of any jurisdiction other than the laws of the State of Florida and the laws of the United States of America.

The opinions expressed above concern only the effect of the laws (excluding the principles of conflict of laws) of the State of Florida and the United States of America as currently in effect. We assume no obligation to supplement this opinion if any applicable laws change after the date of this opinion, or if we become aware of any facts that might change the opinions expressed above after the date of this opinion.

This opinion is given solely for the use and benefit only of Lee County and is limited in its use to reliance by Lee County and may not be relied upon by any other parties, furnished to any other party, quoted, or otherwise used without the prior express written consent of the undersigned firm. This opinion is as of the date hereof and we disclaim any obligation to advise you of any change which hereafter may be brought to our attention.

Very truly yours,



James Robert Caves, III
For the Firm

JRC1/plr

cc: Board of Directors
Kathleen O. Berkey, Esquire

AFFIDAVIT OF NOTICE TO UNIT OWNERS**THE NANCY LANE ASSOCIATION, INC.**

I, the undersigned, Secretary of the Association whose name appears at the bottom of this affidavit do hereby swear and affirm the following:

1. The Condominium Property is currently zoned Mobile Home Planned Development ("MHPD"), which permits mobile home development only.
2. The Board desires to administratively amend the existing MHPD to allow Unit Owners to utilize traditional and modular methods of construction for single-story single-family dwelling Units, as an alternative to mobile home development currently permitted within the MHPD. Lee County also requires a minimum of six hundred (600) square feet of livable space per dwelling unit, and U.S. Department of Housing and Urban Development approval for mobile/manufactured homes.
3. In accordance with Lee County Land Development Code, Section 34-201(a)(1)(c), the Association provided adequate notice to each Unit Owner to summarize the desired administrative MHPD amendment, and no less than seventy-five percent (75%) of the Unit Owners must consent to the Association filing the application for an administrative MHPD amendment with the County.
4. The Secretary swears and affirms that notice to each Unit Owner was given and that 44 of the total 74 Unit Owners (or Eighty three percent (83%) of the total Unit Owners) consented to the administrative MHPD application as reflected in the **enclosed** Written Consents.

Sworn this 21 day of June 2024.

THE NANCY LANE ASSOCIATION, INC.

BY: Laura Danner
Laura Danner, Secretary

STATE OF Florida :
COUNTY OF Lee :

Sworn to (or affirmed) and subscribed before me by means of ☒ physical presence or _____ online notarization this 21st day of June 2024, by Laura Danner as Secretary of **The Nancy Lane Association, Inc.**, a Florida Not-For-Profit Corporation, on behalf of the corporation. She is _____ personally _____ known to me or _____ has produced _____ (type of identification) as identification.

Teresa Andre
Notary Public

Printed Name Teresa Andre

My commission expires: 1/23/27

