

From: Jack Duich <jduich@outlook.com>
Sent: 27 September, 2021 20:57
To: Communications@saddlebagcreek.org; board@saddlebagcreek.org
Cc: Shawn McCord <Shawn.McCord@lwsupply.com>
Subject: FW: Landowners Claiming Agritourism

Patti – email string which prompted Roberts communique with the county is below.
Pls include on our website.
Thanks - Jack

From: Jack Duich
Sent: Monday, September 27, 2021 5:30 PM
To: Robert Lincoln <robert.lincoln@flalandlaw.com>; Russell Ireland <irelandjr@aol.com>
Cc: board@saddlebagcreek.org; Stacy Dillard-Spahn <stacy.dillard@flalandlaw.com>; Shawn McCord <Shawn.McCord@lwsupply.com>
Subject: RE: Landowners Claiming Agritourism

I think the injunction avenue is something we need to consider..

Their webpage sure seems to suggest they intend on holding it this November.

<https://www.sarasotamediievalfair.com/entertainment/entertainment/2021-show-schedule>

Jack

From: Robert Lincoln <robert.lincoln@flalandlaw.com>
Sent: Monday, September 27, 2021 5:16 PM
To: Jack Duich <jduich@outlook.com>; Russell Ireland <irelandjr@aol.com>
Cc: board@saddlebagcreek.org; Stacy Dillard-Spahn <stacy.dillard@flalandlaw.com>
Subject: RE: Landowners Claiming Agritourism

I had not seen this – despite everything else that’s going on, they did not send it to me.

I suspect that means that they (1) know that Mallaranny/Sarasota Medieval Fair intend to go forward without the special permit; (2) may or may not agree that those uses need special permit approval for all aspects of the use that do not occur on Ag-exempt portions of the property; and (3) have not determined whether to sue to stop them, or intervene at or during the event, but may only cite them after the fact.

On the other hand, this may be a shot across the bow indicating that the County will use its enforcement powers to try to stop them.

I will try to get clarification. If there is some confirming evidence that Mallaranny intends to proceed without the permit, adjacent landowners might have standing under the Land Development Code to try to obtain an injunction.

Best regards,
Robert

From: Jack Duich <jduich@outlook.com>
Sent: Monday, September 27, 2021 5:04 PM
To: Robert Lincoln <robert.lincoln@flandlaw.com>; Russell Ireland <irelandjr@aol.com>
Cc: board@saddlebagcreek.org
Subject: FW: Landowners Claiming Agritourism

Don't know if you saw this or what "proceed at your own risk" means..
Is this a shot across the bow to the Croteau's?

Jack

Jack Duich
President
Saddlebag Creek Ranches Home Owners Association
561-543-9151 (cell)
<http://saddlebagcreek.org/>

From: Manatee County Building and Development Services
<ManateeBadsOnline_do_not_reply@mymanatee.org>
Sent: Monday, September 27, 2021 4:27 PM
To: jduich@outlook.com
Subject: Landowners Claiming Agritourism

[View this email in your browser](#)

Building and Development Services
Landowners Claiming Agritourism

To: Landowners Claiming Agritourism based on Section 570.85 F.S.

Dear Landowners:

Manatee County is concerned with the offsite impacts related to Agritourism Activities on Agriculturally Zoned lands. Based on Florida Statute 570.85(1), the Statute "does not limit the powers and duties of a local government to address substantial offsite impacts of agritourism activities or an emergency as provided in Chapter 252."

County staff has determined that Agritourism Activities need to be reviewed to address substantial offsite impacts, or an emergency pursuant to Chapter 252. Based on Manatee County Land Development Code Section 401.2 "Schedule of Uses", the process for this will be Special Permit (SP) approval. SP approval shall be required for existing or proposed Agritourism Activities. Any landowner conducting Agritourism Activities without submitting for the AP approval process is proceeding at its own risk, without Manatee County's evaluation for offsite impacts. The County's SP approval process requirements are located at: mymanatee.org

Sincerely,

Robert G. Wenzel, III

Development Services Division Manager

County Zoning Official

Building and Development Services

Manatee County Department

[More Information](#)

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Our mailing address is:

Manatee County Government / Building & Development Services
P.O. Box 1000
Bradenton, FL 34206

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Jack Duich

Sep 29, 2021, 9:30 AM (13 days ago)

to Robert, Russell, board@saddlebagcreek.org, Stacy, Shawn, Patti

Thanks Robert – our association putting up a bond for an injunction is not going to happen, unless our liability insurance carrier could be convinced to do so. I will give them a call but suspect that will be a tough sell.

Jack

From: Robert Lincoln <robert.lincoln@flalandlaw.com>
Sent: Tuesday, September 28, 2021 6:47 PM
To: Jack Duich <jduich@outlook.com>; Russell Ireland <irelandjr@aol.com>
Cc: board@saddlebagcreek.org; Stacy Dillard-Spahn <stacy.dillard@flalandlaw.com>; Shawn McCord <Shawn.McCord@lwsupply.com>
Subject: RE: Landowners Claiming Agritourism

To get an injunction prior to the event, we'd need admissible evidence establishing that:

Mallaranny has stated it refuses to obtain the special permit before proceeding with the Fair (which may be hard to prove in an evidentiary hearing);
Mallaranny is acting on that statement (that will not be difficult);
Mallaranny could not (procedurally) be able to obtain the permit on time (which may not be difficult; and
Mallaranny needs a Special Permit in order to put on the Faire (which might be difficult if the County staff does not support the letter or wavers); and
The County's Special Permit requirement is not preempted by Sec 570.85 or other statutes (may require more facts than you would imagine).

As I said earlier, however, Mallaranny is going to cite the statute as a defense. It will then demand (within its rights) an "injunction bond" be posted that would cover all of its damages if the injunction is issued, the fair has to be cancelled, and the trial court or an appeals court later determines that the injunction should not have been entered.

Assuming they could show reasonable evidence that they would have had 3,000 attendees/day (average) at an average for \$15.00/head, that's 24,000 x \$15 or \$ 360,000.00 in damages – those would be higher with vendor fees and attorney fees it might be able to get. So you might have to put up a bond of \$400,000 or more in order to obtain a temporary injunction, and that bond could be forfeited to Mallaranny if it won in the final injunction hearing or on appeal.

Robert Lincoln <robert.lincoln@flalandlaw.com> Sep 29, 2021, 10:38 AM (13 days ago)

to Jack, Russell, board@saddlebagcreek.org, Stacy, Shawn, Patti

That issue is why I believe pressure needs to be placed on the Commissioners to instruct Hopes and Clague to sue for an injunction to stop the Faire from proceeding without the special permit.

Best

Jack Duich Oct 3, 2021, 10:28 AM (9 days ago)

From: Jack Duich

Sent: Sunday, October 3, 2021 10:23 AM

To: Shawn McCord <Shawn.McCord@lwsupply.com>; Robert Lincoln <robert.lincoln@flalandlaw.com>; Russell Ireland <irelandjr@aol.com>

Cc: board@saddlebagcreek.org; Stacy Dillard-Spahn <stacy.dillard@flalandlaw.com>

Subject: RE: Landowners Claiming Agritourism

Hi Shawn – I suspect you're correct and have lost faith in any & all the involved authorities in halting, let alone remediating, this issue. Like you, I have contacted county commissioners, building department officials, and filed a complaint with the Manatee County IG, receiving few, usually no, responses, none of which, if returned, have offered assurances. As you're aware, we've also joined forces with Russ Ireland cojoining his engagement with Robert Lincoln.

At this point in time, I believe our focus needs to be on impact mitigation which, among other actions, includes participating in a special permit hearing with the intent to force additional security efforts, such as enhanced fencing between our properties.

We all need to be on the look-out for any indication of a permit hearing date at which time we'll need a game plan that has the greatest chance of achieving a best-case hearing outcome. Robert has cautioned us that hearing magistrates walk a very disciplined line on evidence they're consider.

They're probably well accustomed to "unhappy neighbors". I'm not presuming the magistrate would completely ignore general complaints though our participation needs structure to enhance our odds of favorable outcome.

Thanks for your ongoing engagement.

Jack

Jack Duich
President
Saddlebag Creek Ranches Home Owners Association
561-543-9151 (cell)
<http://saddlebagcreek.org/>

From: Shawn McCord <Shawn.McCord@lwsupply.com>
Sent: Sunday, October 3, 2021 7:38 AM
To: Robert Lincoln <robert.lincoln@flandlaw.com>; Jack Duich <jdulich@outlook.com>; Russell Ireland <irelandjr@aol.com>
Cc: board@saddlebagcreek.org; Stacy Dillard-Spahn <stacy.dillard@flandlaw.com>
Subject: Re: Landowners Claiming Agritourism

Good morning all ,

I have attached a screen shot of the MF website and they now have tickets available for sale. The site also list the 'Wood of Mallarrany' as the new location with a few pictures and the actual property location. It is very evident he fully intends to proceed regardless of the outcome of the permit.

Shawn McCord
Branch Manager