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To: halindsay <halindsay@aol.com>
Cc: 'Melanie Stefanidis' <melstefan@bellsouth.net>
Sent: Thu, Dec 8, 2011 11:00 am
Subject: RE: Tropical Bay - Boats docked in narrow canal

Thank you for contacting me. And I agree that a meeting with the problem boat/davit owners is the second place to start.

Navigability is a question of fact, although there is substantial case law about it. Interference with navigation also includes a safety issue that may be determined by Fish and Wildlife officers (former Marine Patrol). I suggest that the first thing you do is photograph the acts that you believe interfere with navigation, and confer with FWC. Their opinion will be helpful, if not determinative, no matter which remedy you use.

The existing deed restriction language is adequate to give the Association standing to assert a violation based on navigability. The right to assert that claim also exists in anyone who is affected by the blocking of navigability.

Please contact me if you wish to discuss in more detail.

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