

Hunters Point files complaint against Cortez Village Marina

SARASOTA, FL, USA, August 30, 2022 /EINPresswire.com/ -- The Cortez Village Marina ownership group is named in a new complaint that alleges the marina is being operated without a state-issued environmental resource permit or is being operated in violation of that permit.

Representing developer Marshall Gobuty's Hunters Point Resort & Marina ownership group, Cortez Road Investments & Finance Inc. (CRIF), attorney Susan Martin filed [the complaint](#) with the Florida Department of Environmental Protection (FDEP) on Aug. 22.

The complaint seeks injunctive relief to stop the alleged "illegal activities" of the MHC Cortez Village LLC marina ownership group.

The complaint notes Cortez Village Marina is part of the [Loggerhead Marinas group](#) that owns 23 marinas throughout Florida and is affiliated with [Equity LifeStyle Properties](#) – a company that owns a controlling interest in more than 400 manufactured home communities, RV resorts and campgrounds.

The complaint names MHC Cortez Village LLC, Loggerhead Marinas and FDEP as respondents



and says, "CRIF requests enforcement, including a temporary injunction, followed by the permanent injunction, to stop the illegal activities of the marina to avoid irreparable environmental impacts and harm to CRIF's private canal."

The new complaint is part of an ongoing dispute between Cortez Road Investments and MHC Cortez Village regarding the proposed construction of 49 Hunters Point docks along the privately-owned canal that borders the Hunters Point property on the three sides.

Built in the late 1950s, the man-made canal extends from the humpback bridge at 127th Street West to the eastern edge of the Holiday Cove RV resort property. When Gobuty purchased the Hunters Point property in 2016, he also purchased the portion of the canal that extends from the humpback bridge to Cortez Village Marina's western boundary. The canal is the only means for marina clients to access the nearby Intracoastal Waterway (ICW).

The new dispute stems from the permit challenge MHC Cortez Village initiated after Cortez Road Investments received an environmental resource permit from the Southwest Florida Water Management District in 2021. That permit allows for the construction of the Hunters Point docks.

In response to the issuance of that 2021 permit, MHC Cortez Village filed a petition naming Cortez Road Investments and the Southwest Florida Water Management District as respondents. The petition alleged the Hunters Point docks would impede canal navigation for marina clients, especially those with larger boats, and negatively impact marina operations and profitability.

MHC Cortez Village sought and received a hearing before an administrative law judge in hopes of the judge issuing a recommended order for the water district's governing board to revoke the permit or modify it in a manner that lessens the impact of the proposed Hunters Point docks.

With administrative law judge Bruce Culpepper presiding, that hearing began in June, continued for three days in mid-August and is scheduled to resume on Sept. 1.

Complaint allegations

The complaint alleges Cortez Village Marina is operating without a valid permit because the permit obtained by the previous marina owner was not properly certified when transferred to the current marina owners.

"The permit could not have been transferred because the project was not built and is not operating pursuant to permit conditions. Therefore, there was no automatic transfer of the permit," the complaint alleges.

"MHC Cortez Village LLC does not have a valid environmental resource permit and is operating without a permit in a manner to cause environmental harm," the complaint alleges.

"Alternatively, if DEP finds the marina legally holds permit number 41-0255306, then there are

major violations of the permit conditions. The marina has profited from its illegal activity in the amount of at least \$181,000 for the month of July alone.”

“CRIF respectfully requests DEP immediately order the marina to cease the unauthorized activities at the marina. If necessary to stop the illegal activities, CRIF requests that DEP seek an immediate temporary injunction in Manatee County circuit court,” according to the complaint.

“The marina admits in its petition that the marina has 365 permanent boat slips. During testimony, the marina’s general manager, Skip McPadden, also admitted the marina has additional temporary boat slips. Condition number 45 of the DEP permit states the permittee shall ensure the docking facility will be limited to a total of 295 boat slips – 272 dry and 23 wet – inclusive of all shoreline and upland storage,” the complaint says.

The complaint notes McPadden and boat captain Chris Karentz testified that many marina clients are inexperienced boaters who could potentially collide with the proposed Hunters Point docks.

The complaint notes MHC Cortez Village’s 2021 complaint and recent testimony by McPadden confirmed the marina also operates a service department.

“The marina has therefore admitted it is violating the permit which states, ‘Boat maintenance or repair activities requiring removal of a vessel from the water, or removal of major portions of the vessel, for purposes of routine repair or maintenance shall be prohibited for the life of the facility, except where removal is necessitated by emergency conditions which have resulted in or can result in the sinking of a vessel,’” the complaint states.

The complaint references a website that states Cortez Village Marina clients can do their own repairs and the marina offers hull, engine and propellor repairs.

The complaint notes that McPadden recently testified that marina employees use the canal to test vessels before and after repairs are made.

“Immediate action is necessary to close the illegal service department since it is an unauthorized operation,” the complaint alleges.

The complaint also alleges the marina has not complied with reporting requirements for its stormwater and drainage system.

“Therefore, there are no reasonable assurances that the marina is complying with the stormwater conditions of the permit,” the complaint alleges. “CRIF personnel have seen, during heavy storms, surface water flowing from the marina property into the canal. This results in the release of oils, greases, lubricants, gases and other fluids into the private canal which discharges to the ICW and then Anna Maria Sound.”

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