

August 26, 2025

VIA E-MAIL

Nicolle M. Shalley  
County Attorney  
Levy County  
310 School Street  
Bronson, FL 32621  
[Shalley-Nicolle@LevyCounty.org](mailto:Shalley-Nicolle@LevyCounty.org)

Re: Bird Creek County Park & Boat Ramp – Encroachment of County  
Improvements on Property of The Pochurek Family Revocable Trust

Dear Ms. Shalley:

Gunster, Yoakley & Stewart, P.A. (the "Firm") represents **The Pochurek Family Revocable Trust** (the "Trust"), owner of approximately fifty-seven (57) acres of uplands and sovereign submerged bottoms lying south of State Road 40/County Road 40 ("Highway 40") at Bird Creek in Yankeetown. The Trust's ownership is established by the **Warranty Deed recorded at O.R. Book 1113, Page 701, public records of Levy County**, which conveys, in pertinent part:

"All that part of Government Lots 1 and 2 that lies southerly of State Road 40 a/k/a State Road 40-A in Section 14; all of Government Lot 4 in Section 13; and all that part of Government Lot 10 lying southerly of State Road 40 a/k/a State Road 40-A in Section 11, Township 17 South, Range 15 East, Levy County, Florida."

The deed description encompasses the upland fringe, marsh, and adjacent submerged lands south of Highway 40 at the Bird Creek confluence with the Withlacoochee River. For more than forty years the Trust and its predecessors have paid ad valorem taxes on this property and have cooperated with Levy County (the "County") on matters involving public access and conservation in the Bird Creek area.

It has come to the Trust's attention that, as part of the **Bird Creek Boat Ramp Improvements – Phase II** (County ITB \_2025\_008; FWC Agreement 22154), the County recently constructed **two (2) covered picnic pavilions and associated eight-foot-wide timber boardwalks** immediately south of Highway 40, west of the existing public boat ramp. Photographs taken May 2025 (copy enclosed) show these structures situated wholly on the south side of the roadway; in other words, on lands described in the Trust's deed.

Because the Trust was neither notified nor asked to grant an easement, lease, or other permission for construction, we write to request clarification of the County's claim, if any, to fee title or other legal interest in the footprint of the pavilions, boardwalks, and supporting piles/fill (collectively, the "Improvements").

### **Request for Documentation and Public Records**

Please provide all documentary evidence, including but not limited to deeds, maps, surveys, easements, plats, permits, title reports, memoranda of understanding, resolutions, and correspondence, upon which the County relies to conclude that the Improvements are located upon County-owned or County-controlled property. Pursuant to Chapter 119, Florida Statutes (the "Public Records Act"), this letter also constitutes a formal request for copies of all public records in the County's possession, custody, or control relating to the acquisition, dedication, or acceptance of real property south of Highway 40 in Sections 11, 13, and 14, Township 17 South, Range 15 East, from 1980 to the present; the planning, design, bidding, permitting, and construction of the Bird Creek Boat Ramp Improvements – Phase II, including site plans, right-of-way maps, and bid documents; any survey, sketch, or legal description showing the location of the pavilions and boardwalks relative to Highway 40 centerline or right-of-way and relative to Government Lots 1, 2, 4, or 10; and any title opinions, appraisals, environmental assessments, or due diligence reports prepared for or relied upon by the County in connection with Phase II.

The Trust respectfully requests that the County respond in writing within ten (10) business days of receipt of this letter, either confirming that the Improvements encroach upon Trust property and proposing a cooperative

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path forward to address the encroachment, or providing the documentary evidence described above demonstrating the County's ownership or lawful right to construct and occupy the area in question.

### **Good-Neighbor Objective**

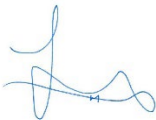
The Trust and the County have historically maintained a collegial relationship, and the Trust wishes to preserve that relationship. Consistent with those principles, the Trust seeks to avoid unnecessary expenditures on additional surveyors, title companies, or litigation. Prompt production of the requested records and clarification of the County's position will allow the parties to resolve this matter informally and efficiently.

Nothing in this correspondence should be construed as a waiver or relinquishment of any rights, claims, or remedies—legal or equitable—that the Trust may have now or in the future, all of which are hereby expressly reserved.

Please direct all communications and production of records to the undersigned at the address shown above or via e-mail to **TRiley@gunster.com**. Should the County impose any statutorily authorized fees for duplication or extensive use of resources under section 119.07(4), Florida Statutes, kindly advise in advance.

We appreciate your prompt attention to this matter and look forward to your response.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Timothy Riley', with a stylized flourish at the end.

Timothy Riley

Shareholder TR  
Attachments

*KATIE JO DAVIS*



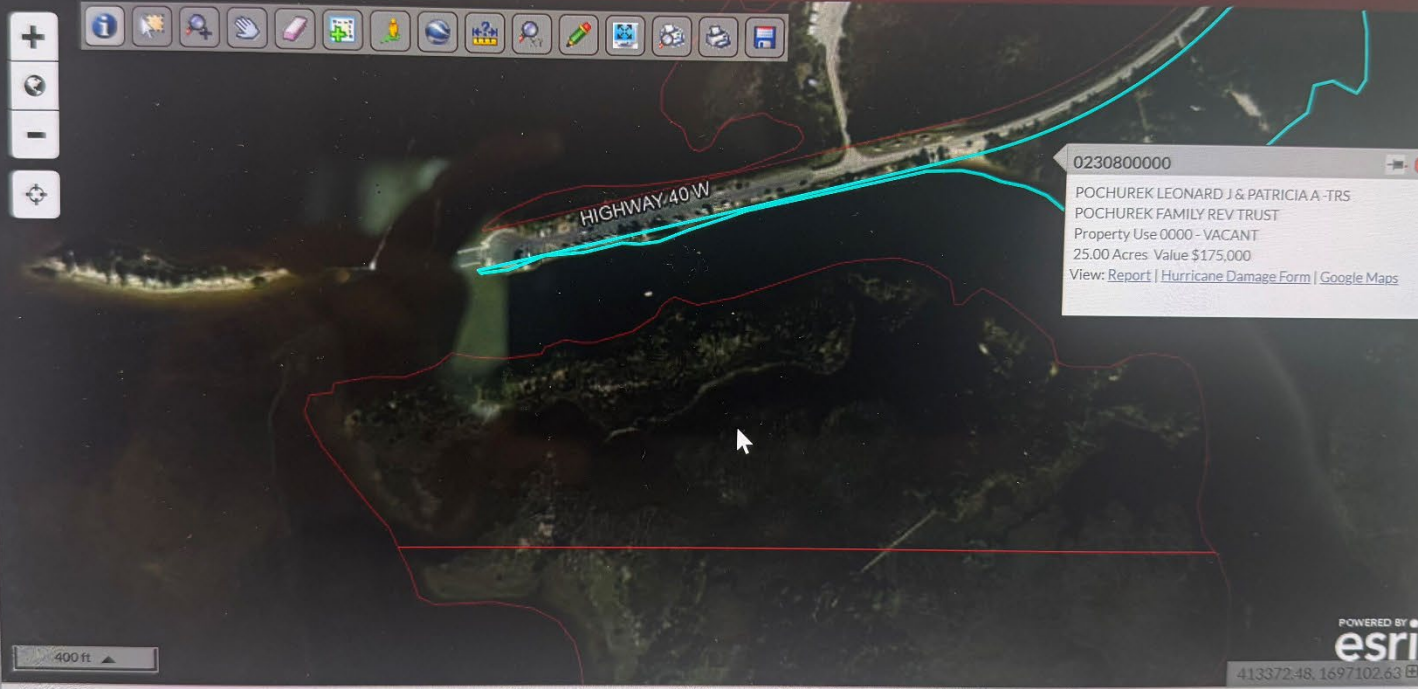
Layer List Legend

Quick Links:

- Property Search
- View Map

Layers:

- Parcels
- Parcel Lines
- Roads
- USA Major Highways
- Railroads
- Yearly Sales
- Sec-Twn-Rng
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- Future Landuse Use
- Zoning
- Rural and Historical Commercial Nodes and Areas
- Commissioner Districts
- Voting Precincts
- School Board Districts
- FEMA Flood Zones
- FEMA S FIRM PAN Info



**0230800000**

POCHUREK LEONARD J & PATRICIA A -TRS  
 POUCHUREK FAMILY REV TRUST  
 Property Use 0000 - VACANT  
 25.00 Acres Value \$175,000  
[View: Report](#) | [Hurricane Damage Form](#) | [Google Maps](#)

**Results:**

Parcel ID - 0230800000  
 Owner - POUCHUREK LEONARD J & PATRICIA A -TRS  
 POUCHUREK FAMILY REV TRUST  
 Acres - 25.0  
 Property Use - 0000 VACANT  
[View: Report](#) | [Hurricane Damage Form](#) | [Google Maps](#)

Parcel ID	0230800000	Physical Address		Building Value	\$0	Last 2 Sales			
Property Use	0000 - VACANT	Mailing Address	POCHUREK LEONARD J & PATRICIA A -TRS	Extra Feature Value	\$0	Date	Price	Reason	Qual
Taxing District	YANKEETOWN		313 OCEANVIEW AVE	Market Land Value	\$175,000	n/a	0	n/a	n/a
Acres	25.0		PALM HARBOR FL 34683	Ag Land Value	\$175,000	n/a	0	n/a	n/a
				Just Value	\$175,000				
				Assessed Value	\$175,000				
				Taxable Value	\$175,000				



