



NOTICE OF SPECIAL TOWN COUNCIL MEETING

HELD VIRTUALLY VIA ZOOM WEBINAR

December 7, 2020

10:00 a.m. to Noon

Beach Access and Public Use Between **Wells Road and Sunset Avenue**

The purpose of this meeting will be for Town Council to receive input from residents and discuss issues regarding public access points and beach use between Wells Road and Sunset Avenue.

Public comments can be submitted in advance of the meeting to council@townofpalmbeach.com. Members of the public who wish to listen and provide input during the Special Town Council Meeting may do so by using the Zoom meeting link below. Those who wish to only listen may use the Zoom link or call the telephone number and use the meeting ID provided below. This information can also be found on the Town's website Meeting Audio page.

Zoom Meeting Link: <https://zoom.us/j/92062690171>

Join the Zoom Meeting By Telephone: (929) 436-2866

Zoom Meeting ID: 920 6269 0171

Public meeting agendas are available on the main page of the Town's website (townofpalmbeach.com) via Spotlight or on the Meeting Audio page.



TENTATIVE:
SUBJECT TO
REVISION

TOWN OF PALM BEACH

Town Manager's Office

SPECIAL TOWN COUNCIL MEETING

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Zoom Meeting Link: <https://zoom.us/j/92062690171>
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**DECEMBER 7, 2020
10:00 AM**

AGENDA

I. CALL TO ORDER AND ROLL CALL

Gail L. Coniglio, Mayor
Margaret A. Zeidman, President
Bobbie Lindsay, President Pro Tem
Julie Araskog
Lew Crampton
Danielle H. Moore

II. PLEDGE OF ALLEGIANCE

III. APPROVAL OF AGENDA

IV. COMMENTS OF TOWN COUNCIL MEMBERS

V. COMMUNICATIONS FROM CITIZENS - 3 MINUTE LIMIT PLEASE

VI. REGULAR AGENDA

A. Old Business

1. PUBLIC ACCESS AND USE OF BEACHES BETWEEN WELLS ROAD AND SUNSET AVENUE

a. Staff Overview on Actions Taken to Address Neighborhood Concerns,

- Including Implementation of Regulations, Education and Enforcement
 - b. Staff Review of Frequently Asked Questions
 - c. Input from Residents (3 Minute Limit Per Person)
 - d. Council and Staff Discussion in Response to Input from Residents
- Kirk Blouin, Town Manager*

VII. ANY OTHER MATTERS

VIII. ADJOURNMENT

PLEASE TAKE NOTE:

- Note 1:** Please submit written comments/materials to council@townofpalmbeach.com or in person to the Town Clerk's Office, located at Town Hall, 360 South County Road. No written materials received after 3:30 p.m. on the Wednesday immediately prior to a monthly Town Council meeting will be included in the back-up binders distributed to the Mayor and Town Council in preparation for that meeting. Written materials received after 3:30 p.m. on Wednesday will be separately distributed to the Mayor and Town Council; however, depending upon the length of the materials, the time of submittal, and other circumstances, the Mayor and Town Council may not be able to read and consider such late submittals prior to acting upon the policy matter(s) which they address.
- Note 2:** The progress of this meeting may be monitored by visiting the Town's website (townofpalmbeach.com) and clicking on "Meeting Audio" in the left column. If you have questions regarding that feature, please contact the Office of Information Technology (561) 227-6315. The audio recording of the meeting will appear within 24 hours after the conclusion of the meeting.
- Note 3:** If a person decides to appeal any decision made by this Council with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings. For such purpose, he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.
- Note 4:** Disabled persons who need an accommodation in order to participate in the Town Council Meeting are requested to contact the Town Manager's Office at 838-5410 or through the Florida Relay Service by dialing 1-800-955-8770 for voice callers or 1-800-955-8771 for TDD callers, at least two (2) working days before this meeting.
- Note 5:** Items listed on the Consent Agenda will be approved by one motion of the Town Council, unless the Mayor or an individual Council Member requests that any item(s) be moved to the Regular Agenda and individually considered.
- Note 6:** All back-up material for the items listed on the agenda are posted to the Town's website and emailed to all Stay Informed subscribers on the Friday before the Town Council meeting. To access the back-up materials and/or subscribe to the Stay Informed list, please visit the

Town's website (townofpalmbeach.com).

PROCEDURES FOR PUBLIC PARTICIPATION

Citizens desiring to address the Town Council should proceed toward the public microphones when the applicable agenda item is being considered to enable the Town Council President to acknowledge you.

PUBLIC HEARINGS: Any citizen is entitled to be heard on an official agenda item under the section entitled "Public Hearings," subject to the three minute limitation.

COMMUNICATIONS FROM CITIZENS: Any citizen is entitled to be heard concerning any matter under the section entitled "Communications from Citizens," subject to the three minute limitation. The public also has the opportunity to speak to any item listed on the agenda, including the consent agenda, at the time the agenda item comes up for discussion.

OTHER AGENDA ITEMS: Any citizen is entitled to be heard on any official agenda item when the Town Council calls for public comments, subject to the three minute limitation.

Town Council Meetings are public business meetings and, as such, the Town Council retains the right to limit discussion on any issue.

TOWN OF PALM BEACH

Special Town Council on: December 7, 2020

Section of Agenda

Regular Agenda - Old Business

Agenda Title

PUBLIC ACCESS AND USE OF BEACHES BETWEEN WELLS ROAD
AND SUNSET AVENUE

- a. Staff Overview on Actions Taken to Address Neighborhood Concerns, Including Implementation of Regulations, Education and Enforcement
- b. Staff Review of Frequently Asked Questions
- c. Input from Residents (3 Minute Limit Per Person)
- d. Council and Staff Discussion in Response to Input from Residents

Presenter

Kirk Blouin, Town Manager

ATTACHMENTS:

- ▣ **Memorandum Dated December 1, 2020, from Kirk Blouin, Town Manager**
- ▣ **FAQs - Wells Road to Sunset Avenue**
- ▣ **Back-up from Previous Meetings**
- ▣ **Email Dated November 17, 2020, from Matt McCormick**
- ▣ **Email Dated November 30, 2020, from Liam and Olive McCarthy**

TOWN OF PALM BEACH

Information for Special Town Council Meeting on: December 7, 2020

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

From: Jay Boodheshwar, Deputy Town Manager

Re: Public Access and Use of Beaches Between Wells Road and Sunset Avenue

Date: December 1, 2020

STAFF RECOMMENDATION

Staff recommends Town Council seek resident input to help inform its continued discussion regarding public access, public use and regulations associated with the beaches located between Wells Road and Sunset Avenue and provide direction to staff.

GENERAL INFORMATION

At the October 13, 2020, Town Council meeting, staff reported on measures the Town has taken to address various neighborhood concerns in the beach areas between Wells Road and Sunset Avenue. At said meeting Council approved charging \$5/hr for parking on the 100 Block of Sunrise and on North County Road, with a two hour limitation for purchased parking. Said regulations are now currently in effect.

At the November 10, 2020, Town Council meeting, staff provided a copy of Chapter 74, Article II, Division 3 – Regulation of Use of Public Beaches as a reference if Council desired to implement any regulations currently in effect on guarded beaches on this stretch of unguarded public beach areas. After much discussion Council took no action but directed staff to schedule a Special Town Council meeting for December 7, to be held virtually via Zoom. Staff was also directed to prepare a Frequently Asked Questions document and mail it out, with the special meeting notice to residents in the area. Included in today's meeting back-up is a copy of said documents, along with the back-up from the October 13 and November 10 Council meetings.

Attachments

cc: H. Paul Brazil, Director of Public Works
Nick Caristo, Police Chief
Darrel Donatto, Fire-Rescue Chief
Wayne Bergman, Director of Planning, Zoning and Building
John C. Randolph, Town Attorney



BEACH ACCESS AND PUBLIC USE BETWEEN WELLS ROAD AND SUNSET AVENUE FREQUENTLY ASKED QUESTIONS

- 1. What are the public access points in this area?** Wells Road, Dunbar Road, and Sunset Avenue
- 2. What was the basis for claiming Wells Road and Dunbar Road are public?** A review of subdivided plats
- 3. Which access points are private?** Root Trail (pending review), Seminole Avenue, Everglade Avenue, and Atlantic Avenue
- 4. Why are some street ends public and some private?** When certain lands were subdivided into plats many years ago, some street ends were deeded for the use of the properties within a particular subdivision and some were platted for the general use of the public. In addition, over the years property titles and rights have been transferred or exchanged.
- 5. Isn't the beach accessible by the public?** Yes, per the Florida Constitution, the public has the right to reasonable access of the beach regardless of public or private ownership.
- 6. What is a municipal beach and what is a public beach?** A municipal beach is a section of beach that is maintained as a park. This includes Clarke Avenue Beach, Mid-Town Municipal Beach, and Phipps Ocean Park Beach, as prescribed in Town Code. A public beach is State lands that exists east of an Erosion Control Line due to beach nourishment projects.
- 7. What is an Erosion Control Line (ECL)?** Before a beach nourishment project is constructed, a Mean High Water Line survey is performed to identify the limits of where private property ends and where State Submerged Lands begin. The Mean High Water line survey becomes a fixed line called the Erosion Control Line (ECL). The ECL prohibits private property from being extended as a result of taxpayer-funded beach nourishment projects. Essentially, State Submerged Lands (under water) becomes State emergent lands (dry beach) as a result of beach nourishment.
- 8. Why was a gate put up at Wells Road?** The gate at Wells Road was erected this year during the ongoing health pandemic. The gate was initially locked due to the beach closure prompted by the health crisis. Once the beach closures were lifted, the gates have been locked at night consistent with the open beach times at Mid-Town Municipal Beach between Royal Palm Way and Gulfstream Road. Public Works tries to maintain consistency with all public access points in the Town with gates, pavers, landscaping, staircases (when needed), a trash can, and signage. In several access points, neighborhoods have requested additional enhancements of access points which are funded privately by those interested residents.
- 9. Who locks and unlocks the gate?** The Town's Police Department
- 10. At what times is the gate being locked?** Sunset to Sunrise
- 11. What laws and ordinances are the Police Department enforcing on the beach in this area?** The Police Department is enforcing trespass complaints, dog off leash complaints, prohibited presence after dark, parking complaints, and drug and alcohol complaints.
- 12. How is the Police Department enforcing these laws and ordinances?** The Police Department is conducting pro-active patrols, along with complaint based response in order to make contact with violators. Violators are identified in order to ascertain if they are a repeat offender. First time offenders are issued verbal warnings.
- 13. How is the Police Department handling trespass complaints?** Trespass complaints in open areas in the State of Florida are a nuanced subject. In private areas, the actual crime is "trespass after warning". Trespassers must be given a warning that they are trespassing and refuse to leave before they have committed a crime. The Police Department must have a complainant in order to detain or identify someone for trespassing. In some cases, the Police Department can obtain a Trespass Enforcement Affidavit allowing the Police Department to act as a complainant on behalf of a property owner for matters of trespass when the property owner is unavailable. Additionally, there are ambiguous areas of public/private beach ownership near the ECL (particularly if the guiding monoposts are moved or inaccurately placed by a property owner) where the Police Department cannot take action due to an insufficient burden of proof for trespass.

14. Why were posts and rope placed on the beach at the Wells Road access? To temporarily help guide the public from the access point to the public beach

15. What do the white posts represent that are along the shoreline? The Town did not install the monoposts. Private property owners installed them with their own measurements. The posts represent the approximate line between private and public land. The Florida Department of Environmental Protection regulates posts installed on the beach.

16. Why were the posts and rope taken down from the beach at the Wells Road access? Once sea turtle nesting season ended on November 1, private residences erected posts along the shoreline to define private property boundaries. With the posts in place adjacent to private residences, the posts and rope at the public access points was redundant and not needed.

17. Why was Atlantic Avenue open to the public and is now locked with a gate? The Atlantic Avenue parcel, east of Ocean Boulevard, has been maintained as an extension of the road right-of-way for many decades. Maintenance of the access point continued as did the maintenance of the 100 block of the roadway. Review of the parcel's title, by attorneys representing by private residences and within the Town Attorney's Office, have determined that the access point is private. It is the prerogative of the private property owners to decide how to maintain their beach access point and they have chosen to lock the gate.

18. Why is this beach treated differently than other beaches in the Town? Access and use of the beaches in Town are treated the same. The only differences current prescribed in Town Code Sec. 74-196 are the hours and use for the beaches considered as parks (municipal beaches), such as Clarke Avenue Beach, Mid-Town Municipal Beach, and Phipps Ocean Park. These beaches are closed from sunset to sunrise and have limitations on certain activities such as fishing, surfing, ball throwing, etc.

19. Why is beach nourishment not constructed uniformly throughout the Town of Palm Beach? The Town can only place sand where we can obtain State and Federal regulatory authorizations. Due to the presence of environmentally sensitive resources, the Town cannot receive permission to place sand through beach nourishment in certain areas.

20. Who pays for beach nourishment in the Town of Palm Beach? Depending on the area for both planned and unplanned (storm response) projects, beach nourishment is paid for through varying combinations of Town, Federal (Army Corps and FEMA), State (FDEP), and County funds.

- Mid-Town cost share is approximately 50% Army Corps. The remaining 50% non-Federal cost is split between the Town (59.05%) and the State (40.95%).
- Phipps has no Federal cost share. The project cost is split between the Town (61%) and the State (39%).
- For storm response projects, FEMA reimburses for 75% of the project costs. The remaining 25% non-Federal cost is split between the Town and the State.
- After Federal and State funding, the County contributes a portion of remaining eligible Town costs once all Sand Transfer Plant obligations are paid.

21. If State or Federal funds are used to rebuild beaches, is it true that any of the areas with this sand can be used by the public? The percentage of State funds allocated is based on beach access prior to construction. The State requires that the beach access remain the same for the life of the nourishment project. Federal funds through the U.S. Army Corps of Engineers require an easement to be signed by the private property owners that does indicate public use of the nourished beach.

22. How was state or Federal cost-sharing determined for this beach? The State cost-shares on an eligible beach, as long as it meets certain public accessibility requirements. The amount of State cost sharing is dependent on the public access points and the number of public parking spaces within ¼ mile of those access points. Federal cost-sharing is based on the easements provided by the private property owners and is not based on public access points. Any sections of beach without these easements is not eligible for Federal cost-sharing and becomes the responsibility of the Town should the Town decide to place sand in that location. The Town is not obligated to fill sand in the portions of the project that are not cost-shared by the Federal Government.

23. What was the Town's obligation to the State in exchange for cost-sharing? Based on current public accessibility, a cost-sharing percentage was determined. The Town is to maintain the same public accessibility.

24. Why was parking at Mid-Town increased to \$5 an hour and can it be reverted back to \$2 an hour? Revenue was increased to help fund the public safety and public services (including lifeguards and restrooms) that are provided for the municipal beach area between Royal Palm Way and Gulfstream Road.

25. Where can I go if I have any additional questions regarding the Town's beach nourishment projects or the Town's Coastal Management Program? Please visit the Town's website: www.townofpalmbeach.com and click on "Coastal Protection" under the "Government" tab. A phone number and email for Town staff is provided.

TOWN OF PALM BEACH

Town Council Meeting on: November 10, 2020

Section of Agenda

Regular Agenda - Old Business

Agenda Title

Continued Discussion Regarding Public Access and the Enforcement of Regulations on the Beaches Between Wells Road and Sunset Avenue.

Presenter

Kirk W. Blouin, Town Manager

ATTACHMENTS:

- ▢ **Memorandum Dated November 2, 2020, from Jay Boodheshwar, Deputy Town Manager**
- ▢ **Chapter 74, Article II, Division 3 of the Town Code**
- ▢ **Back-up Documents from October 13, 2020, Council Meeting**
- ▢ **Emails from Matt McCormick**

TOWN OF PALM BEACH

Information for Town Council Meeting on: November 10, 2020

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

From: Jay Boodheshwar, Deputy Town Manager

Re: Continued Discussion Regarding Public Access and the Enforcement of Regulations
on the Beaches Between Wells Road and Sunset Avenue

Date: November 2, 2020

STAFF RECOMMENDATION

Staff recommends Town Council review the back-up provided at the October 13, 2020, Town Council meeting, as well as the information below and new attachment, relative to public access and the enforcement of regulations on the beaches located between Wells Road and Sunset Avenue; and provide direction to staff as necessary.

GENERAL INFORMATION

At the October 13, 2020, Town Council meeting, staff reported on measures the Town has taken to address various neighborhood concerns in the beach areas between Wells Road and Sunset Avenue. After much discussion Council approved charging \$5/hr for parking on the 100 Block of Sunrise and on North County Road, with a two hour limitation for purchased parking. Said regulations are now currently in effect. No additional actions were taken at the time.

Included as attachments to this memo are the back-up documents from last month, as well as a copy of Chapter 74, Article II, Division 3 – Regulation of Use of Public Beaches. This section of the Town Code has been provided as a reference if Council desires to implement any regulations currently in effect on guarded beaches on this stretch of unguarded public beach areas.

FUNDING/FISCAL IMPACT

Minor expenses related to necessary signage and communications, related to any approved regulation changes, will be absorbed in existing operations budgets.

Attachments

cc: H. Paul Brazil, Director of Public Works
Nick Caristo, Police Chief
Wayne Bergman, Director of Planning, Zoning and Building
John C. Randolph, Town Attorney

DIVISION 3. - REGULATION OF USE OF PUBLIC BEACHES

Sec. 74-186. - Applicability.

All persons using the public beaches within the town shall comply with and abide by the rules and regulations of this division.

(Code 1982, § 14-45)

Sec. 74-187. - Use of surfboards and skimmers.

It is declared to be unlawful for any person to use or operate a surfboard or any other kind of hard device designed to ride waves upon any public beach operated and patrolled and guarded by lifeguards of the town, in the surf adjacent to any such public beach within the town. Other kinds of hard devices include skim boards, body boards, surfyaks, knee boards, surf skis and other similar devices.

(Code 1982, § 14-34)

Sec. 74-188. - Littering.

- (a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Beaches means that area abutting the Atlantic Ocean or Lake Worth consisting of predominantly sand, whether below or above the mean high water mark.

- (b) *Prohibited.* No person shall leave or deposit any trash, refuse or debris on any beach. Any such trash, refuse or debris shall be placed, when available, in a container clearly marked by the town for such purpose. If there is no receptacle, or if the receptacle is full, all trash or refuse must be removed from the beach.
- (c) *Private beaches.* In regard to that portion of the beach determined to be private property, no person shall place or deposit on any such beach any trash, refuse or debris. Further, the owner of the private property shall not allow trash, refuse or debris to remain on his property for a period of time greater than seven days after notification by the town. Any such trash, refuse or debris located upon private beachfront property shall be properly disposed of in a manner otherwise provided by the codes and regulations of the town.
- (d) *Violation.* Anyone in violation of this section shall be subject to a fine not in excess of the amount provided by law for a misdemeanor in the state. Alternatively, any private property owner found to be in violation of this section shall be subject to the jurisdiction of the town's code enforcement ordinance, chapter 2, article V of this Code, and subject to penalties prescribed by the code enforcement board for each day a violation is determined to exist.
- (e) *Failure to comply.* Should any property owner fail to comply with the terms of this section within seven days after notice by certified mail, the department of public works may enter the premises and accomplish the necessary work; and the cost thereof shall be assessed against the property involved and shall constitute a lien against the property.

- (f) *Appeal; cost of work conducted.* Any person receiving notice pursuant to subsection (e) above may file an appeal with the town council within seven days of the date of the notice to contest same, the appeal to be heard by the town council at its next regularly scheduled meeting. In the absence of an appeal, and upon failure of the property owner to comply with the terms of the notice, or in the event of an appeal, upon failure to comply with the direction of town council, the property owner shall pay the cost of any work conducted by the town within 30 days from the mailing of a bill for same. In the event the bill is not paid within 30 days, it shall become a lien against the premises to be enforced in the manner provided by law.

(Code 1982, § 14-36)

Cross reference— Solid waste, ch. 102.

Sec. 74-189. - Beaches; depositing material on.

It shall be unlawful to deposit any material on the ocean beach without permission of the town manager.

(Code 1982, § 13-9)

Sec. 74-190. - Ball playing; throwing missiles.

No person or group of persons shall engage in ball playing of any kind, or in the throwing of any ball, aerial disk or other missile upon any public beach operated and patrolled and guarded by lifeguards of the town.

(Code 1982, § 14-48)

Sec. 74-191. - Animals prohibited.

No person shall take any animal upon those certain public beaches within the town identified herein or in the surf adjacent to any such public beach within the town. Said beaches shall include the Phipps Park beach, the public beach from Royal Palm Way south to Gulfstream Road, the Clarke Avenue beach from Barton to Seaspray, and the beach from Sunset Avenue to Wells Road. An exception shall apply to allow leashed dogs on public beaches between Sunset and Wells Road only.

(Code 1982, § 14-50; Ord. No. 11-2012, § 2, 8-14-12; Ord. No. [04-2020](#), § 2, 2-11-20)

Cross reference— Animals generally, ch. 10.

Sec. 74-192. - Commercial activities.

No person shall sell or barter any article of personal property, tangible or intangible, or distribute or post any advertising or promotional material on any of the public beaches.

(Code 1982, § 14-52)

Cross reference— Businesses, ch. 22.

Sec. 74-193. - Drinking.

No person shall drink intoxicating beverages upon the public beaches.

(Code 1982, § 14-54)

Cross reference— Alcoholic beverages, ch. 6.

Sec. 74-194. - Gymnastic equipment.

No person shall use or bring upon the beach for use any platform, trapeze bars or similar articles for gymnastic exhibition or use.

(Code 1982, § 14-56)

Sec. 74-195. - Motor vehicles.

No motor vehicle shall be driven upon the beaches or over dune areas adjacent to beaches without the previous written consent of the chief of police.

(Code 1982, § 14-57)

Cross reference— Traffic and vehicles, ch. 118.

Sec. 74-196. - Presence during closed hours; hours specified.

No person shall use or be upon any public beach in the town during the hours when any such beach is declared to be closed to the public as hereinafter set forth:

- (1) Phipps Park is declared to be closed to the public each day from sunset to sunrise, the following day.
- (2) The public beach from Royal Palm Way south to Gulfstream Road is declared to be closed to the public each day from sunset to sunrise.
- (3) The Clarke Avenue beach area is hereby declared to be closed to the public each day from sunset to sunrise.
- (4) The public beach owned by the county lying north of the City of Lake Worth casino property extending approximately 500 feet northerly therefrom is hereby declared to be closed to the public each day from sunset to sunrise.

(Code 1982, § 14-59; Ord. No. [18-2016](#), § 1, 10-10-16)

Sec. 74-197. - Swimming beyond certain distances prohibited.

- (a) It shall be declared unlawful for any person to swim beyond 300 feet of the shore of any public beach operated and patrolled and guarded by lifeguards of the town. For the purposes of this section, the 300-foot distance shall be measured at right angles from the mean low water mark of the Atlantic Ocean.
- (b) This section shall also apply to swimming with any types of floatation aids, such as a raft, inner tube or surfboard.
- (c) Under certain environmental conditions that make swimming conditions hazardous, the supervisor of lifeguards may limit or restrict swimming from any public beach operated and patrolled and guarded by lifeguards of the town.

(Code 1982, § 14-61)

Sec. 74-198. - Reserved.

Editor's note— Ord. No. 16-98, § 2, adopted November 10, 1998, amended the Code by repealing former § 14-198 in its entirety. Former § 14-198 pertained to launching of watercraft, and derived from the Code of 1982, § 14-62.

Sec. 74-199. - Fires.

It is declared unlawful to make a fire or to use any other type of incendiary device on the public beaches of the town.

(Code 1982, § 14-63)

Cross reference— Fire prevention and protection, ch. 46.

Sec. 74-200. - Skin and scuba diving.

It shall be unlawful to skin or scuba dive off public beaches operated and patrolled and guarded by lifeguards of the town unless adequate safety precautions are taken.

- (1) The "buddy" system must be used, making it necessary to have two or more people diving. It shall be unlawful to dive alone.
- (2) If scuba diving, each member must have a current nationally recognized open water certification card.
- (3) Each diver must have a buoyancy compensator capable of supporting the head of an unconscious diver above the water.
- (4) Each dive unit must have a diver's down flag. This flag must be free flying and clearly visible to boaters from a minimum of 100 feet in all directions. The flag must be a minimum of 12 inches by 12 inches and must have a red diagonal background with a white stripe. An international alpha flag may be used in lieu of the above flag.

(Code 1982, § 14-64)

TOWN OF PALM BEACH

Town Council Meeting on: October 13, 2020

Section of Agenda

Regular Agenda - Old Business

Agenda Title

Report Regarding Public Access and the Enforcement of Regulations on the Beaches Between Wells Road and Sunset Avenue.

Presenter

Kirk W. Blouin, Town Manager

ATTACHMENTS:

- ▣ **Memorandum Dated October 5, 2020, from Jay Boodheshwar, Deputy Town Manager**
- ▣ **Memorandum Dated September 30, 2020, from Nicholas Caristo, Chief of Police**
- ▣ **Memorandum Dated September 28, 2020, from H. Paul Brazil, P.E., Director of Public Works**
- ▣ **Memorandum Dated October 2, 2020, from Wayne Bergman, Director of Planning, Zoning and Building**
- ▣ **Letter Dated October 12, 2020, from Guy Rabideau, Esq.**

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 13, 2020

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

From: Jay Boodheshwar, Deputy Town Manager

Re: Report Regarding Public Access and the Enforcement of Regulations on the Beaches
Between Wells Road and Sunset Avenue

Date: October 5, 2020

STAFF RECOMMENDATION

Staff recommends Town Council review the attached reports from the Departments of Public Works, Police, and Planning, Zoning and Building, relative to public access and the enforcement of regulations on the beaches located between Wells Road and Sunset Avenue and provide direction to staff as necessary.

GENERAL INFORMATION

As the Mayor and Town Council is fully aware, staff has dedicated a lot of resources over the last year to address neighborhood concerns in the beach areas between Wells Road and Sunset Avenue. Multiple measures have been implemented and several are in progress, which are intended to improve control at the public beach access points and enhance enforcement of regulations. Attached are reports from the Departments of Public Works, Police, and Planning, Zoning and Building, which provides details on the measures they have taken to mitigate concerns.

As you are also aware, Town Council approved the implementation of paid parking on the 100 Block of Sunrise and in the N. County Road corridor. Parking kiosks were ordered shortly after this approval and are schedule to be installed in the next couple of weeks. Motorists will be able to physically pay by credit card at the kiosks or via phone, using Parkmobile.

If Town Council desires additional actions to further address neighborhood concerns, you could consider increasing the parking fees on the 100 Block of Sunrise to \$5/hour to match the rates charged at the Mid-Town and Phipps beaches. You may also wish to consider modifying the Town Code to implement certain restrictions currently in place at the guarded municipal beaches, including the complete prohibition of dogs, fishing, surfing and skim boarding, ball playing, etc.

FUNDING/FISCAL IMPACT

Minor expenses related to necessary signage and communications will be absorbed in existing operations budgets.

Attachments

cc: H. Paul Brazil, Director of Public Works
Nick Caristo, Police Chief
Wayne Bergman, Director of Planning, Zoning and Building
John C. Randolph, Town Attorney

TOWN OF PALM BEACH

Information for Town Council Meeting: October 13, 2020

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

VIA: Jay Boodheshwar, Deputy Town Manager

FROM: Nicholas Caristo, Chief of Police

RE: Sunrise Avenue to Wells Road Beach Area Police Department Actions

DATE: September 30, 2020

Increased Patrol and Enforcement

The Police Department has been providing increased enforcement due to complaints since April, 2020. Increased enforcement was accomplished via officer education and supervisor-verified proactive patrols. These patrols were a combination of increased Parking Control presence and citation issuance, increased zone officer patrol, and increased ATV beach patrol. These patrols were tasked with enforcing parking regulations, VTO's, emergency orders, and trespassing complaints. Our policy in this area has been to educate and warn offenders for first offenses (except for parking), and cite for subsequent violations.

Beginning in June of 2020, the PD began keeping more detailed statistics of our activity in the area. The below numbers cover June through September 30, 2020.

- Approximately 765 proactive patrols.
- Approximately 289 parking tickets.

Additionally, we have responded to every call for service that has arisen in the area. Those service calls are not represented in the above numbers.

Trespass Enforcement Affidavits

These affidavits allow the Police Department to take trespass enforcement action on behalf of a homeowner when they are not present or immediately available. To date we have obtained affidavits from 8 out of the 17 beach front parcels.

Signage

The Police Department conferred with Public Works regarding the signage along North Ocean Boulevard between Wells Road and Sunrise Avenue. Public Works provided signs in that area indicating there is no parking, stopping, and standing. In addition, signage stating regulations were placed at the public access points.

Suggested Ordinance to Change Closing of the Beach at Night

The proposed ordinance change, which is scheduled for second reading on October 13, will keep this beach area consistent with the time regulations present at our municipal beaches. When enacted, the Police Department will be responsible for opening and closing the public accesses at the requisite times.

Communication with Residents

The Police Department has maintained robust communication with residents in regard to their concerns via email, phone, and in person with officers and supervisors. Unfortunately there are still times when residents are dissatisfied with lack of action (due to legal limitations) on trespass complaints or in the lack of a permanently stationed police officer in the area. The Police Department suggested to the residents that they may hire a detail officer for increased presence in the area if they so desire.

Cc: H. Paul Brazil, Director of Public Works
Wayne Bergman, Director of Planning, Zoning and Building

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 13, 2020

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

FROM: H. Paul Brazil, P. E., Director of Public Works

RE: Public Works Actions to Date – Sunrise Avenue to Wells Road

DATE: September 28, 2020

GENERAL INFORMATION

Beach Nourishment, 2020

In March 2020, the U.S. Army Corps of Engineers' contractor, Weeks Marine, started construction of the Palm Beach County Federal Shore Protection Project, Mid-Town Segment. The dredging subline landing was placed on the shore in the vicinity of Sunrise Avenue. Between March 17th and May 1, 2020, the beach was renourished. Prior to the beach nourishment project, the shoreline in the Sunrise to Wells vicinity had receded close to the seawalls. Following nourishment, the shoreline position is consistently greater than 100 feet from the seawalls in this same area.

Interaction with Residents

The Public Works Department has responded to an increased amount of email correspondence from private residences between Wells Road and Root Trail since November 2019. The primary issue for these emails, disproportionate from the rest of the beaches in Town, pertains to public access and use of the beach. Public Works staff has taken steps to assist the residents with their concerns for both safety and quality of life while maintaining public rights based on Florida Statutes.

Public Beach Accesses:

Prior to 2020, the Town was maintaining public beach access points at Wells Road, Dunbar Road, and Atlantic Avenue. Following a review of legal documentation by the Town Attorney's office, Atlantic Avenue is no longer being maintained as a public access point. The public access points have landscaped to be consistent with the neighborhood and gates have been installed. The gates will be locked (either manually or with timed locks) between sunset and sunrise.

Private Beach Accesses:

Atlantic Avenue, Everglade Avenue, and Seminole Avenue beach accesses are private and are being maintained by the residents with a locked gate. The only private beach access in the area that is currently accessible by the public is Root Trail. Public Works staff is working with the two (2) ownership entities of Root Trail to have improvements permitted by the state. The ownership of the Root Trail access is being reviewed by the Town Attorney and our Planning, Zoning and Building Department. Public Works staff understands that if the ownership does not change, the current owners of the Root Trail beach access intend to install a locked gate in the near future. Residents have asked for Town regulatory signs at Root Trail. Ownership should be determined before signs are installed. Regulatory signs on private property would be a precedent.

Beach Signage:

Oceanfront residents requested that the Town assist with obtaining regulatory authorization to install signs near the seawalls to discourage the public from trespassing onto both the seawall and improved private property. Public Works staff confirmed with the Town's sea turtle monitor that no nests were present within two (2) feet of the seawalls and that signs could be installed without harming sea turtles.

As requested by the oceanfront residents in May 2020, Public Works staff committed to redesign the signage at the Wells Road and Dunbar Road beach accesses to be more aesthetically pleasing and to discourage unwanted behavior on the beach. The Town has regulatory signs at the public beach accesses. We are in the process of revising the signs to clarify that dogs must be on a leash and the reference to "tents" will be removed.

Beach Post and Rope:

In June 2020, oceanfront residents requested that the Town install post and rope along the Erosion Control Line to identify public and private land. Public Works staff informed that the Town would not pursue this activity due to both liability and permit-ability issues.

In September 2020, Public Works staff installed posts and rope along the north and south limits of both the Wells Road and Dunbar Road beach accesses from the seawall extended shore-perpendicular approximately 100 feet onto the berm. The purpose of the posts and rope are to aid beachgoers toward the shoreline. No work was performed on the beach prior to the Town's sea turtle monitor confirming that no nests were present in the area.

Also in September 2020, oceanfront residents requested that Public Works staff work with FDEP to obtain regulatory authorization for posts and rope to be installed along the Erosion Control Line (ECL). Public Works staff met with FDEP staff on the beach to discuss the request by the residents. FDEP concluded that such an activity would require a permit application to be submitted for review. FDEP informed that such an activity would likely result in permit denial as FDEP would interpret posts and rope running along the ECL as an activity inconsistent with public rights as identified within Florida Statutes. FDEP suggested that the residents consider the installation of "monoposts" (a single free standing post spaced approximately 10 feet apart) without rope to guide the public. Monoposts are exempt from permitting. The Town confirmed with the sea turtle monitor that there are no nests in the approximate location of the monoposts. Public Works staff believes that the residents will pursue this alternative and install free standing posts on the privately owned section of beach. Ropes resting on the sand can be placed without the need for a permit; however, these ropes must be picked up every night during sea turtle nesting season.

Beach Access Renovations:

In June 2020, oceanfront residents requested that the Town renovate both Dunbar and Wells Roads public beach access points in an effort to provide a more esthetic look to their neighborhood mimicking the renovations performed by the Atlantic Avenue residents. These renovation consist of decorative aluminum fencing and gates, installation of salt tolerant turf, native plantings, fountain grasses, green island ficus hedging, and low-flow irrigation systems for both Dunbar and Wells Roads' accesses respectively. The water for these systems are being provided by the adjoining residents existing irrigation systems. Funding for the renovations and additional maintenance costs are being provided by these oceanfront residents. These renovations commenced the third (3rd) week of September and are currently anticipated to be completed in two (2) weeks.

Parking:

Installation of parking kiosks was approved by the Town Council and the kiosks have been ordered. We anticipate delivery within a week. Installation will be completed as soon as possible after delivery.

Additionally, the residents have requested that we review the sight triangles at the western end of the 100 block streets. We found that the visibility was limited and have changed some of the parking spaces on County Road to "Compact Car" parking spaces. The signs will be installed on October 1, 2020.

Dune Restoration, 2021

The Town continues to work with FEMA and the Florida Department of Emergency Management to replace the vegetated dunes damaged from hurricanes Matthew and Irma. The sand for these dunes will be truck-hauled from Phipps Ocean Park following completion of the Phipps Ocean Park/Reach 7 Beach Nourishment Project in early 2021. The dimensions of this dune would be similar to that which was constructed in 2016. The height of the dune will only be approximately two feet above the elevation of the berm so that ocean vistas are not impacted. The width of the dune will vary based on the existing conditions, but will likely be about 15-20 feet wide. This dune work is expected to be performed during March and April 2021. If the dune sand is in place by mid-April, the Town will look to have the dunes vegetated prior to May 1, 2021. Should the dune sand not be in place until May 1st, the dunes will be vegetated after November 1, 2021 following the sea turtle nesting season. Sea oats will be plants approximately 12 inches apart throughout the newly placed dune. Five to six-foot-wide paths will be left at both the public and private access points to allow beachgoers to stay off the vegetation. After sea oats are planted to vegetate the dune, the Town will obtain a state permit to install posts and rope to best protect the newly vegetated dune. A post and rope system will keep beachgoers from trespassing onto the dunes which, inherently, would keep beachgoers from trespassing onto the seawalls and improve private property.

cc: Jay Boodheshwar, Deputy Town Manager

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 13, 2020

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

From: Wayne Bergman, Director of Planning, Zoning & Building

Re: Status on the Root Trail Beach Access

Date: October 2, 2020

STAFF RECOMMENDATION

The purpose of this memorandum is to provide the Town Council with an update on the status of Root Trail beach access. There is no recommended action at this time.

BACKGROUND

The Planning, Zoning and Building Department received an inquiry from a fence contractor about closing off an approximate 20-foot wide beach access at the end of Root Trail with a six foot high fence and gate. The inquiry from Root Trail Partners, LLC, who owns the north 10 feet, and Ocean Towers North, who owns the south 10 feet, want to close off that beach access which stretches from North Ocean Boulevard to the Atlantic Ocean with a six foot tall gate and fence.

Staff questioned the closure as it had historically been open to the public. After reviewing the plat of Root Trail, staff advised the contractor that in order to construct the gate and fence, staff had to confirm ownership of the north 10 feet of the beach access as the plat for the Root Subdivision indicates that it is dedicated to the Root Trail lot owners. In addition, staff advised that once ownership is confirmed, that a variance is required if the proposed gate and fence is over 4 feet in height, as this is in the Beach Area zoning district.

Staff subsequently reviewed the plat and the Palm Beach County Property Appraiser's information on the subject property. The subject property was platted as part of the Root Subdivision in June of 1900. The subject property in question was platted as 10 feet wide and ran from Lot 1, Root Subdivision, to the Atlantic Ocean. The 10-foot wide strip of land on the south side of the subdivision that was dedicated as "private trail" runs from North County Road, east to the Atlantic Ocean and is dedicated on the plat for access to the lots and for the use of the lot owners in the subdivision. In addition, staff questioned how Root Trail Partners, LLC, took title to the subject property being that it is dedicated on the plat to all of the lot owners in the Root Subdivision.

Planning, Zoning and Building staff contacted John Randolph, Town Attorney, regarding this ownership issue and a joint meeting with Public Works was held to discuss beach accesses. Staff

was advised that Mr. Randolph had met with Peter Coleman, manager, and Barry Curtain, attorney, for Root Trail Partners, LLC, in February 2020 in regards to closing off the beach access. They advised Mr. Randolph that Root Trail Partners, LLC, owned the Root Trail beach access and wanted to close it off to the public. At that time, Mr. Randolph had Mark Dahlmeier, an attorney from his office, review two 1912 deeds provided by Mr. Curtain. He concluded that while he had not independently reviewed record title, his review and reliance on the deeds identify that the Quit Claim Deed dated July 1, 1912 from Enoch Root and Victoria A. Root, his wife, to and in favor of the Town of Palm Beach recorded on July 2, 1912 in Deed Book 22, Pages 408 and 409, dedicates the North 10 feet of Root Trail, extending from County Road on the West to the Atlantic Ocean on the East, as a public highway to be kept open and maintained by the Town of Palm Beach for the benefit of the public and the Root Trail lot owners.

Similarly, a Quit Claim Deed dated July 1, 1912, from Dorinda H. Brelsford to and in favor of the Town of Palm Beach recorded July 3, 1912 in Deed Book 22, Pages 410 and 411, which dedicates the South 10 feet of Root Trail, extending from County Road on the West to the Atlantic Ocean on the East, as a public right of way to be kept open and maintained by the Town of Palm Beach as a public highway.

Based on that information, Town staff questions, how three previous owners and Root Trail Partners, LLC, took title to the property since 1995. How could a private entity make application; pay the taxes and obtain a tax deed from the Palm Beach County Tax Collector on what appears to be public property? With all of these questions, staff requested that the Town Attorney's office have a title search conducted to determine what happened between 1912 and 1995 that could have released or abandoned the Town's rights to the subject property.

Staff received an email from Mark Dahlmeier yesterday regarding that title search report. He stated that the Title Search Report finds no recorded conveyance out, relinquishment or abandonment of the public right-of-way rights established by virtue of the Quit Claim Deed dated July 1, 1912 from Enoch Root and Victoria A. Root, his wife, recorded in Deed Book 22, Pages 408 and 409, and the Quit Claim Deed dated July 1, 1912, from Dorinda H. Brelsford recorded in Deed Book 22, Pages 410 and 411. This contradicts the claim of Root Trail Partners, LLC, that it privately owns title to the beach access property free and clear of any rights of the public. This raises questions about the validity of the 1995 Tax Deed as to this beach access property. It appears that that Tax Deed conveyance, which gave rise to this new chain of title now vested in Root Trail Partners, LLC, unknowingly conveyed title to the Town's public right-of-way to a private entity

Staff is in the process of determining what the next steps might be as it relates to this finding. Regardless, the Town will assist and coordinate with property owners in this area to provide controlled beach access across on the subject property.

cc: Kirk Blouin, Town Manager
Jay Boodheshwar, Deputy Town Manager
Paul Castro, Zoning Manager
John Randolph, Town Attorney
Mark Dahlmeier, Esq.
pf



Guy Rabideau, Esq.
direct: 561.402.7411
grabideau@rabideau-law.com
Florida Bar Board Certified in Real Estate Law

October 12, 2020

Via e-mail

Gail L. Coniglio, Mayor
Julie Araskog
Lewis Crampton
Bobbie D. Lindsay
Danielle H. Moore
Margaret A. Zeidman
Town Council Members
Town of Palm Beach
P.O. Box 2029
Palm Beach, FL 33480

Re: Root Trail Access to the Beach

Dear Town Council Members and Mayor Coniglio:

In connection with the above-referenced matter, I represent Root Trail Partners, LLC ("RTP"), the owner of the North 10 feet of the parcel at the end of Root Trail leading from North Ocean Boulevard to the beach (the "North Root Trail Parcel"). Ocean Towers Condominium Association, Inc. ("OT") is the owner of the South 10 feet of the parcel at the end of Root Trail leading from North Ocean Boulevard to the beach (the "South Root Trail Parcel"). Sometimes in this letter, I will be referring to both the North Root Trail Parcel and the South Root Trail Parcel as the "Root Trail Parcel".

For the past few years, there has been increasing concern regarding the use of the Root Trail Parcel to gain access to the beach. You have in your materials for the Town Council Meeting on October 13, 2020, a September 30, 2020 Memo from Nicholas Caristo, Chief of Police (the "Police Memo"), concerning the multiple problems that have been going on with trespass and related complaints in the area of the Root Trail Parcel. That Memo, which does describe some of the issues in that area, nonetheless misses many of the multiple issues that have been caused by the public in the area of Root Trail.

To resolve most of the issues, RTP and OT recently came to an agreement to fence off the Root Trail Parcel and to add berm and landscaping improvements. These improvements would both beautify the area, increase the berm to help with potential flooding, and prevent many of the incidents caused by a certain segment of the public using that area.

When RTP and OT went to the Town to obtain the necessary permits for the improvements to the Root Trail Parcel, it apparently caused the Town's staff to inquire as to the ownership of both the North Root Trail Parcel and the South Root Trail Parcel. See in your materials for the Town Council Meeting on October 13, 2020 the October 2, 2020 Memo from Wayne Bergman, Director of Planning, Zoning & Building (the "Ownership Memo"). Last week this Memo came to the attention of RTP and OT and they were surprised to see that the Town may be coming to the conclusion that the Town may be claiming an ownership interest in both the North Root Trail Parcel and the South Root Trail Parcel.

I am writing to you to provide evidence that RTP does indeed own the North Root Trail Parcel. Many of these same arguments apply to OT's ownership of the South Root Trail Parcel.

1. The Grantors of a December 12, 1911 deed recorded at Deed Book 22, Page 48, did not have authority to deed the North Root Trail Parcel to the Town of Palm Beach.

In the year 1900, Enoch Root and Victoria A. Root, husband and wife (the "Roots"), subdivided a strip of land extending from Lake Worth to the Ocean. That land now comprises the lots on the North side of Root Trail, which lot include the North 10 feet of Root Trail. The Plat for that is recorded in Plat Book 1, Page 22, a copy of which is attached as Exhibit "A" (the "Plat"). Please note that many of the attachments to this letter are copies of very old documents and can sometimes be hard to read, but these are the best copies available.

On the Plat itself, the Roots dedicated "a private trail ten feet wide South of the red line and running from Lake Worth to the Ocean Beach for access to lots sold and for the use of lot owners". It needs to be noted that this dedicated strip of land runs over the lots that were subdivided on the Plat, similar to an easement. This dedicated strip of land comprises the North 10 feet of Root Trail today and the North Root Trail Parcel.

Soon thereafter, the Roots started selling various of the parcels on the Plat to third parties. See Exhibit "B" attached hereto copies of some of these deeds for these lots. This list is not complete as some deeds were recorded in Dade County records since Palm Beach County was not carved out of Dade County until 1909.

In the Ownership Memo, it is alleged that the Town gained ownership of the North Root Trail Parcel via a deed dated December 12, 1911 recorded at Deed Book 22, Page 408, and Deed Book 410 (the "Root Deeds"), attached hereto as Exhibit "C". In the Root Deeds, Enoch Root and Victoria A. Root, husband and wife, quit-claimed the North 10 feet of what is now Root Trail and the North Root Trail Parcel to the Town.

When a party quit-claims an interest in real property to another, the grantor is not saying that he or she owns that property and is giving ownership to the grantee. The quit-claim merely provides that if the grantor owns the property, then such ownership interest is transferred to the grantee. This is the case with the Root Deeds, however, the Roots did not have authority to transfer an

ownership interest in that property to the Town since, once the first lot on the Plat was sold to a third party, the Roots no longer could deed property already dedicated to anyone else. As noted above, that property was already dedicated to all of the lot owners. A binding deed would have required the joinder of the Roots and all other parties to whom they had sold lots on the Plat. The Roots Deeds did not have the joinder of such other owners and therefore failed to convey the North Root Trail Parcel to the Town.

2. Even if the Root Deeds were valid, the Town never accepted the transfer of the ownership of the North Root Trail Parcel.

For a transfer of ownership of property to be valid, there has to be an acceptance by the grantee of that ownership. In the public records, there is no record that the Town ever accepted ownership of the North Root Trail Parcel. There is, however, evidence that the Town did not accept ownership of the North Root Trail Parcel.

- a. If a property is owned by a municipality, then no real estate taxes are due on such property. For the North Root Trail Parcel, real estate taxes were due, as evidenced by the Tax Collector's Certification recorded at Official Records Book 8659, Page 565; the publication that the North Root Trail Parcel was going to a tax sale recorded at Official Records Book 8659, Page 566; and the tax deed itself, recorded at Official Records Book 8659, Page 567 (the "Tax Deed"). These documents are attached hereto as Exhibit "D". Taxes have continued to be due and paid on the North Root Trail Parcel right up to the current time, and the Town has been a beneficiary of those tax payments.

Similarly, OT has been paying taxes on the South Root Trail Parcel for decades.

- b. The Town's own records, as late as 2017, in a map published by the Town's Planning, Zoning & Building Department entitled "Town of Palm Beach Existing Road, Bicycle Pedestrian Network Map – 2017" shows the Root Trail Parcel as "Beach Access Private". A copy of this map is attached hereto as Exhibit "E".

After 113 years from the original purported conveyance of the North Root Trail Property to the Town, too much time has elapsed for the Town to now accept ownership of the North Root Trail Property, particularly when the purported grant was defective in the first place.

3. Even if the Root Deeds were valid and even if the Town had accepted the transfer of the ownership of the North Root Trail Parcel, any interest in the North Root Trail Parcel was eliminated by the Tax Deed.

As stated above, the North Root Trail Parcel was sold by the Tax Deed. That Tax Deed sale occurred in 1991. The State of Florida's interest in tax deeds, in general, is to give finality to any claims of ownership of the transferred parcel. This maximizes the return to the taxing authorities. While the governing statutes have various exceptions for certain rights in a property sold by a tax deed (see Florida Statute 712.03), there is no exception for any purported claim of ownership by the Town. Indeed, the Tax Deed also eliminated the rights of the owners on the North side of Root Trail that was granted to them under the terms of the Plat.

4. It is contrary to the interests of the Town to assert ownership in the Root Trail Parcel.

As mentioned earlier and borne out by the Police Memo, there has been a dramatic increase in reported crime in the area of the Root Trail Parcel. This dramatic increase in crime corresponds to the dramatic increase to non-Town residents using the Root Trail Parcel for beach access. Problems from non-neighbors have included multiple reports of trespassing, not just on the Root Trail Parcel, but on nearly all of the surrounding private property, including the Warden House where multiple times there have been incidents of what appear to be homeless people sleeping. Further, bicycle theft and car theft have been reported, along with indecent exposure, car damage caused by beachgoers, and beachgoers' unleashed dogs threatening residents. At all hours, including in the middle of the night, residents report being disturbed because of loud noise coming from beachgoers. Often those beachgoers appear to be drunk or on drugs.

This has understandably greatly upset the neighbors.

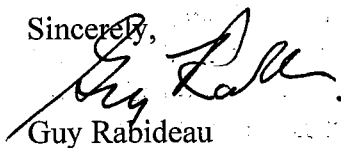
RTP and OT were both very concerned about this alarming increase of crime in the area and that is why both parties stepped up to the plate to do something about it; i.e., fence off access to the general public, but provide gated access to all of the owners on Root Trail, not just the owners on the North side of Root Trail which previously had access by the terms of the Plat. As part of fencing off the access, funds were also raised to improve the berm and the landscaping on the Root Trail Parcel – none of which were at public expense.

Indeed, written confirmation of the access for the neighbors on Root Trail was recently concluded and a copy of the agreement was provided to an attorney for several of the neighbors, neighbors who previously mistakenly thought that they were going to lose their access to the beach. Preventing access to owners on Root Trail never was part of the plan – improving the area for all residents was. The owners of RTP are and have always been civic-minded, and that will continue.

If the Town asserts its ownership, then the fencing, berm improvement, and landscaping improvement are all forfeited. Crime will continue, if not increase, and the quiet enjoyment of their homes will be lost to all of the residents on Root Trail. This is contrary to the Town's interest and the interests of the residence on Root Trail.

I appreciate your understanding of this matter, and I request time to address this issue with you during your general discussions of the beach access at the October 13, 2020 Town Council Meeting. Please feel free to contact me with any questions you may have. Thank you.

Sincerely,



Guy Rabideau

cc: John C. Randolph, Esq. (via e-mail)

Mr. Paul Castro (via e-mail)

Mr. Wayne Bergman (via e-mail)

Enclosures

Guy Rabideau, Esq.

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S:\CM Backup 12-7-20
October 12, 2020

EXHIBIT “A”

Copied by
 MIDWELL & HOLSTLAW
 Under direction of
 CH. RUDOLPH
 County Engineer

Drawn by CEB _____ Checked by 346

EXHIBIT “B”

This Indenture, made the 1st day of February, 1911, between *Edward A. Root and*
Edward A. Root

John of the State of *Florida* part of the first part and *John A. Root*
John of the State of *Florida* part of the second part:

WITNESSETH That the said part of the first part, for and in consideration of the sum of *One hundred*

dollars, well and lawfully confirmed unto the said part of the second part, and to *their* heirs and assigns forever, all the following piece or tract of Land, situated, lying and being in the County of *Franklin*
 State of *Florida* and described as follows:

Being known as lot number Two (2) in Block section 15 of part of lots Four (4) Section 15 (15) Township thirty three (33) North Range 12 East subject to a transfer right of way across the South side of said lot a plat of said subdivision being now on file in the office of the Clerk of the Circuit Court of said County in Miami, Florida.
As a part consideration for said land the said grantor, her heirs and assigns, shall not at any time manufacture or sell to be used as a beverage any intoxicating liquors, wine or beer in or upon the same, to be done on the premises under a penalty of forfeiture of all rights and interests claimed by the grantor and her heirs, this condition to be violated

TOGETHER with all and singular the tenements, hereditaments and appurtenances therunto belonging or appertaining, and every right, title or interest, legal or equitable, of the said part of the first part, in and to the same.

TO HAVE AND TO HOLD the same unto the said part of the second part, and *their* heirs or assigns, to their own proper use, benefit and behoof, forever.

And the said part of the first part, for *themselves* and *their* heirs, executors and administrators, do hereby covenant That said part of the first part, at the date hereof *was* lawfully seized in fee simple of the above described premises and *was* in peaceable and undisputed possession of the same.

That the said part of the second part *their* heirs and assigns, shall at all times hereafter have peaceable possession of the same, while at said, execution or disturbance of the said part of the first part, or any person lawfully claiming thereunder.

That said part of the second part shall be free from all incumbrances and liens of every nature and kind forever, including taxes.

And the said part of the first part, for *themselves* and *their* heirs, the above described premises and every part thereof with the appurtenances unto the said part of the second part, *their* heirs and assigns against the said part of the first part and *their* heirs, and against all and every person or persons lawfully claiming or to claim the same and will warrant, defend and forever defend

IN WITNESS WHEREOF, The said party of the first part has hereunto set her hand and seal, this 11th day of June, 1907.

Noted and delivered in presence of

John J. Helms

Isabella A. H. 1861

1890

Surah L. Bulwer

STAGE OF Evolution,

County of Spokane . . .

I HEREBY CERTIFY, that on this 22 day of February 1911, before me

Military public...

personally appeared. Victoria Hunt.

and Creek Port

~~highly~~ to make known to the public a decision, and not

executed the foregoing instrument, and severally acknowledged the execution thereof to be their free and voluntary act and deed for the uses and purposes therein expressed.

the wife of the said

Churchill

...from her said husband did acknowledge that she did to herself A LITV TO THE STI; [redacted] OF THE [redacted] OF THE [redacted]

and all others.

relinquishing her dower, or right of dower, in and to the lands, tenements and hereditaments therein, and to the

WITNESS my hand and seal at St. Paul Beach Fla. the date above.

Prof. J. H. H. H. H.
History. Lecture.

History: Section

STATE OF FLORIDA,

County of Alameda

BE IT REMEMBERED, That on the 25 day of February, A.D. 1904,

foregoing instrument of writing was presented and filed for record with the said clerk of the said county of ...

and the same being carefully authenticated, I have duly recorded the same in Book 1, Page 75

Exhibition
at the University of Cambridge

Siphonophora - common

Enoch Root et al
TO
Bridget Elizabeth Burkhardt
Number of Deed

Filed for record the 8th day of October 1910
First C. D. Clerk of the Circuit Court.

By D. C.

This Indenture, Made this eighth day of October A. D. 1910,
BETWEEN Enoch Root and Victoria A. Root, the wife of the
Said Enoch Root
of the County of Palm Beach and State of Florida
part of the first part, and Bridget Elizabeth Burkhardt

of the County of Palm Beach and State of Florida
part of the second part, WITNESSETH, that the said party of the first part, for and in consideration of the sum of Twenty
two hundred and fifty Dollars to him in hand paid, the receipt whereof is hereby acknowledged, he has bargained, sold and transferred, and by these presents does bargain, sell and transfer unto the said party of the
second part and her heirs and assigns, forever, all that certain parcel of land lying and being in the County of Palm
Beach and State of Florida, more particularly described as follows: Lots Sixteen and Seventeen, be-
ginning at the Southwest corner of Root's tract on the West
side of the County Road thence running due West one hundred
feet thence due North to the North line of Root's subdivision
as shown by Plat filed by the Clerk of Court for Palm Beach County
on the eighteenth day of September A. D. 1900 and duly recorded
in Book B. of Plats on Page 71; Record verified by A. J. Gandy
Clerk of Court as a part consideration for said land the said
Grantor his heirs and assigns shall allow ten feet margin as
Root's tract to be used as a Highway by the owners of property
on and being on the North side of the said Root's tract the party
of the first part hereby agrees to allow the said Grantor the free and
uninterrupted use of the said Root's tract as a Highway from the Ocean
TO THE with all the appurtenances and appurtenances, with every privilege, right, title, interest and estate, power and
right of dower, reversion, remainder and covenants thereto belonging or in anywise appertaining: TO HAVE AND TO HOLD the same in
fee simple forever.

And the said party of the first part doth covenant with the said party of the second part that lawfully
enjoyment of the said premises; that they are free of all incumbrances, and that have good right and lawful authority to sell the
same; and that she will warrant and defend the same against the lawful claims of all persons.

IN WITNESS WHEREOF, the said party of the first part has hereunto set his hand and seal the day and year above
written.

Signed, sealed and delivered in our presence:

W. H. Saurage
C. E. Rayside
W. H. Saurage
C. E. Rayside

Enoch Root (Seal)
Victoria A. Root (Seal)

State of Florida
County of Palm Beach

I HEREBY CERTIFY, That on this eighth day of October A. D. 1910, before
me personally appeared Enoch Root and Victoria A. Root
to my well known to be the persons described in and who executed the foregoing conveyance to Bridget Elizabeth Burkhardt
and personally acknowledged the execution thereof to be their free act and deed for the uses and purposes therein mentioned; and the
said Victoria A. Root the wife of the said Enoch Root
as a separate and private examination taken and made by and before me, and separately and apart from her said husband, did
acknowledge that she made herself a party to the said deed of conveyance for the purpose of releasing, relinquishing and conveying
all her right, title and interest, whether of dower or of separate property, statutory or equitable, in and to the lands therein described,
and that she executed said deed freely and voluntarily and without any constraint, fear, apprehension or compulsion of or from her
said husband.
WITNESS my signature and official seal as Palm Beach in the County of Palm Beach
and State of Florida the day and year last aforesaid.

State of Florida,
County of Palm Beach.

BE IT REMEMBERED, That on the
recorded in Book 2 of Deeds, at page 248

First Book No. 2 Palm Beach County, Fla. Deeds, Jacksonville, 1910

Bridget Elizabeth Burkhardt (Seal)
Notary Public, Palm Beach County

1910, this instrument was
First C. D. Clerk Circuit Court.

D. C.

And the said part ~~also~~ of the first part, for ~~themselves~~ and ~~their~~ heirs, the above described premises, and every part and parcel thereof, unto the said party ~~of the second part~~ and assigns, against the said party ~~of the first part~~ and ~~their~~ heirs, and against all and every person or persons whomsoever lawfully claiming or to claim the same, shall and law warrant, and by these presents forever defend.

This attestation is with the joint consent of husband and wife, where that relation exists.

In Witness Whereof, The said parties ~~of the first part~~ hereunto set their hands and seals, each in signed, sealed and delivered in presence of us: the presence of two subscribing witnesses.

Chas. J. McCall
M. E. Root

Enoch Root, (Seal)
Victoria W. Root, (Seal)
(Seal)
(Seal)

State of *Florida*
County of *Palm Beach*

} ss.

I hereby certify that on this *27th* day of *December*, A. D. 19*14*, before me, *W. Henry Sullivan*

Enoch Root personally appeared and *Victoria W. Root*, his wife, to me known to be the person described in, and who executed, the foregoing conveyance in.

and severally acknowledged the execution thereof to be *their* free act and deed, for the uses and purposes therein mentioned; and the said *Victoria W. Root* the wife of the said *Enoch Root*, on a separate and private examination taken and made by and before me, and separately and apart from her said husband, did acknowledge that she made herself a party to the said Deed of Conveyance for the purpose of releasing, relinquishing and conveying all her right, title and interest, whether of dower or of separate property, estate or equitable, in and to the lands therein described, and that she executed said Deed freely and voluntarily, and without any constraint, fear, apprehension or compulsion of or from any and husband.

Witness my signature and official seal, at *West Palm Beach*, in the County of *Palm Beach* and State of *Florida*, this day and year last aforesaid.



William J. McCall (Seal)
Notary Public, State of Florida
My Comm. Expires May 6, 1915

State of
County of

} ss.

I, an officer authorized to take acknowledgments in Florida, hereby certify that

personally known to me to be the individual described in, and who executed, the foregoing instrument, and that said individual, this day acknowledged before me that executed said instrument.

Witness my hand and official seal, this day of A. D. 19 in said County and State.

STATE OF FLORIDA, COUNTY OF PALM BEACH.

On this day of December, 1914, this instrument was recorded by Book One of Florida at page 2, P. 6.

W. Henry Sullivan Notary Public, State of Florida

Deed Record 1, Palm Beach County, Florida. Deed Jacksonville, 1915

This Indenture, Made this 23rd day of March A. D. 1912

BETWEEN Ethel McFarlane, Widow
of the County of Palm Beach in the State of Florida, part 1st of the
first part, and

Aussie L. Phillips
of the County of _____ in the State of _____, part 2nd of the
second part,

WITNESSETH, That the said part 1st of the first part, for and in consideration of the sum of Five (\$5.00)
Dollars and other good and valuable considerations to her in hand paid by
the said part 2nd of the second part, the receipt whereof is hereby acknowledged, has granted, bargained and sold to
the said part 1st of the second part, her heirs and assigns, forever, the following described land, situate, lying
and being in the County of Palm Beach, State of Florida, to-wit: Beginning at an iron bolt
driven in the rock on the Eastern shore of Lake Worth at
a point about one hundred (100) feet South of the South line
of land owned by H. D. Hendrickson in Section two (10)
 Township forty-three (43) South of Range forty-three (43) East;
thence in an Easterly direction parallel with the North line
of said Section two (10) three hundred (300) feet; thence in a
Southerly direction parallel with the East line of said Section
two (10) one hundred feet; thence in a Westerly direction
parallel with the North line of said Section two (10) to
the shore of Lake Worth; thence in a Northerly direction
along the shore of Lake Worth to place of beginning; said
lot being a part of Section two (10) Township forty-
three (43) South of Range forty-three (43) East.

And the said part 1st of the first part do her hereby fully warrant the title to said land, and will defend the same against the lawful
claims of all persons whomsoever.

IN WITNESS WHEREOF, The said part 1st of the first part has hereunto set her hand and
seal, the day and year first above written.

Signed, sealed and delivered in presence of us:

A. L. Matthews
M. D. Carmichael

Ethel McFarlane (Seal)
(Seal)

State of Florida, County of Palm Beach SS

I HEREBY CERTIFY, That on this day personally appeared before me, an officer duly authorized to administer oaths and
take acknowledgments, Ethel McFarlane to me well known to be the person described in and who executed
the foregoing deed, and she acknowledged before me that she executed the same freely and voluntarily for the purposes
therein expressed.

AND I FURTHER CERTIFY, That the said _____ known to me
to be the wife of the said _____

_____ is a separate and
private examination taken and made by and before me, separately and apart from her said husband, did acknowledge that she made
her said party to said deed for the purpose of revoking, releasing and conveying all her right, title and interest, whether of
dower, homestead or of separate property, statutory or equitable, in and to the lands described therein, and that she executed the said
deed freely and voluntarily and without any coercion, constraint, apprehension or fear of or from her said husband.

WITNESS my hand and official seal at Palm Beach County of Palm Beach and State of
Florida this 23rd day of March A. D. 1912.

(Seal)
7.00
Seal

M. D. Carmichael

Notary Public

State of Florida, County of Palm Beach.

I do hereby certify that the foregoing is a true copy of the original. Dated this 29 day
of April 1912 and recorded at 29 day of April 1912

Notary Public
By J. E. [Signature] Clerk,
D. C.

2 286

WARRANTY DEED.

Enoch Root, et al.,
 The Town of Palm Beach, a corp.
 Filed for record 12th day of December 1911.
 Northern B. Cummings, Clerk of the Circuit Court,
 Deputy Clerk.

This Warranty Deed of Conveyance, executed this 8th day of December, in the year of our Lord One Thousand Nine Hundred and Eleven, by and between Enoch Root and Victoria A. Root, husband and wife of the first part, and The Town of Palm Beach, a corporation,

of the second part, Witnesseth: That the said parties of the first part, for and in consideration of the sum of Six Hundred Dollars, lawful money of the United States of America, to them in hand paid by the said party of the second part, at or before the executing and delivery of these presents, the receipt whereof is hereby acknowledged, by these presents, do give, grant, bargain, sell, alien, convey, release, convey and confirm unto the said party of the second part, and its heirs, that certain parcel, in the County of Palm Beach, and State of Florida, described as follows:

Being known as Lot Number Eighteen in Block Subdivision of Sub. 9, Lot 14, Section Fifteen (15), and part of Section Fourteen (14), Township Forty Three (43) South, Range Forty Three (43) East, subject to a ten foot right of way across south side of said lot, according to a plat of said subdivision, now on file in the office of the Clerk of the Circuit Court of Palm Beach County, Florida.

together with all and singular the rights, appurtenances and appurtenances thereto in anywise appertaining, and the revenues and revenues, rents and profits thereof; and also all the mine, right, title, interest, claim and right of dower, separate estate property, joint estate, claim and demand whatsoever, at law and in equity, equity and both, of the said parcel of the first part of, in and to the same, and every part and parcel thereof.

To have and to hold the above described premises, each and every, unto the said party of the second part, its heirs and assigns, in fee simple, absolute, forever.

And the said parties of the first part, for themselves, their executors and administrators, jointly and severally, covenant, promise, and agree to and with the said party of the second part, its heirs, executors and administrators, and assigns, that the said party of the first part, at the time of the making and delivery of these presents, shall lawfully hold in the title of a good, absolute and indefeasible estate of inheritance of and to all and singular the above described premises, each and every, and shall have good right, full power and lawful authority to convey the same in fee simple and form aforesaid; that the said party of the second part, its heirs, executors and assigns, shall and may at all times lawfully peacefully and quietly have, hold, use, occupy, possess and enjoy the above described premises and every part and parcel thereof, without any let, hindrance, interruption, violation or disturbance of the said parties of the first part, their heirs or assigns or of any other person or persons lawfully claiming or to claim the same; that the said parties of the first part, their heirs, executors and assigns, shall and may at all times lawfully peacefully and quietly have, hold, use, occupy, possess and enjoy the above described premises and every part and parcel thereof, without any let, hindrance, interruption, violation or disturbance of the said parties of the first part, their heirs or assigns or of any other person or persons lawfully claiming or to claim the same; that the said parties of the first part, their heirs, executors and administrators, each and every, shall make, execute and acknowledge such further and other deeds and conveyances as by counsel lawfully appointed reasonably appear to be necessary to carry out the full intent and meaning of this instrument.

EXHIBIT “C”

This Indenture, made this 12th day of December A. D. 1911, between Enoch Root and Victoria A. Root husband & wife of the County of Palm Beach and State of Florida parties of the first part and Town of Palm Beach, a corporation of the County of Palm Beach and State of Florida party of the second part, Witnesseth, that the said parties of the first part, for and in consideration of the sum of One Dollars in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged have remised, released and quit-claimed, and by these presents do remise, release and quit-claim unto the said party of the second part and its successors forever, all the right, title, interest, claims and demand which the said parties of the first part have and to the following described lot, piece, or parcel of land, to-wit: Being a right of way in what is known as Roots Subdivision to Palm Beach, Palm Beach County, Florida, and known as "Roots Trail". Ten feet wide at the South end of lot of land out in said subdivision and extending from the County road on the West to the Atlantic Ocean on the East, said trail or strip of land hereby quit-claimed, to be kept open and maintained, by said grantee, and its successors as a public highway for the benefit of the public and the lot owners bordering thereon. To have and to hold the same together with all and singular the appurtenances therunto belonging or in any wise appertaining, and all the estate, right, title, interest and claim whatsoever of the said parties of the first part, either in law or equity, to the only proper use, benefit and behoof of the said party of the second part, its successors, forever. In Witness Whereof, the said parties of the first part have hereunto set their hands and seals the day and year first above written.

Signed, sealed and delivered in presence of
Henry T. Grant
H. J. Nuttall
State of Florida
County of Palm Beach

Enoch Root (Seal)
Victoria A. Root (Seal)

I hereby certify that on this day personally

appeared before me, an officer duly authorized to administer oaths and take acknowledgments, Enoch Root, and Victoria A. Root to me well known to be the persons described in and who executed the foregoing instrument and who acknowledged before me that they executed the same freely and voluntarily for the purposes therein expressed. And I further certify, that the said Victoria A. Root known to me to be the wife of the said Enoch Root on a separate and private examination, taken and made by and before me, separately and apart from her said husband, did acknowledge that she executed the foregoing deed for the purpose of relinquishing, alienating and conveying all her right, title and interest, whether of dower, homestead or of separate property, statutory or equitable, in and to the lands described therein, and that she executed said deed freely and voluntarily and without any compulsion, constraint, apprehension or fear of or from her said husband. Witness my hand and official seal at West Palm Beach, County of Palm Beach and State of Florida this 13th day of December A. D. 1911.

(Seal)

William J. Metcalf

Notary Public

Notary Public, State of Florida

My commission expires May 6, A. D. 1914

Filed July 1-1912

Recorded July 2-1912

Deed Book 22 - Page 408

Hudson D. Sammons Jr.

Clerk Circuit Court.

By Geo E. Fenn. D.C.

This Indenture, made this 3rd day of June A. D. 1912, between Dorinda H. Breleford, widow, Palm Beach, of the County of Palm Beach and State of Florida, party of the first part, and Town of Palm Beach, of the County of Palm Beach and State of Florida party of the second part, Witnesseth, That the said party of the first part, for and in consideration of the sum of One Dollar, in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, has remised, released and quit-claimed, and by these presents does remise, release and quit-claim unto the said party of the second part, and its successors all the right, title, interest, claim and demand which the said party of the first part has in and to the following described lot, piece or parcel of land, situate, lying and being in the County of Palm Beach State of Florida, to-wit: Being a right of way ten feet wide beginning at the East side of the present County road and running East, on the north line of tract of land deeded on March 22nd 1893 by Elizabeth F. M. Kingel and husband to Dorinda H. Breleford and recorded in Book 3 page 211 Records of Dade County Florida, to the Atlantic Ocean, thence south ten (10) feet, thence west parallel to the first line, and ten (10) feet therefrom, to the present County Road thence north ten (10) feet to the place of beginning. Said Right of way to be kept open and maintained, by said Town of Palm Beach, and if not used as public highway to revert to owners. To have and to hold the same, together with all and singular the appurtenances thereto belonging or in anywise appertaining, and all the estate, right, title, interest, claim whatsoever of the said party of the first part, either in law or equity, to the only proper use, benefit and behoof of the said party of the second part, heirs and assigns forever. In Witness Whereof the said party of the first part has hereunto set hand and seal the day and year first above written.

Witness sealed & delivered in presence of
 E. M. Breleford
 Mary M. Hood

Dorinda H. Breleford

State of Florida
County of Palm Beach }

I, an officer authorized to take acknowledgments of deeds according to the laws of the State of Florida duly qualified and acting, hereby Certify that Dorinda H. Prelesford, to me personally known, this day has acknowledged before me that she executed the foregoing instrument, and I further Certify that I know the said person making said acknowledgment to be the individual described in and who executed the said instrument.

In Witness Whereof I hereunto set my hand and official seal, at Palm Beach, said County and State, this third day of June, A. D. 1912.

(N. P. seal)

Enoch Root
Notary Public

My commission expires Dec 21st 1913.

Filed July 1-1912

Recorded July 3-1912

Deed Book 22- Page 410.

Hudson & Saunders Jr

Clerk Circuit Court

by Fred E. Ferno D.C.

Articles of Agreement, made this 15th day of June, in the year of our Lord one thousand nine hundred and twelve Between A. Hoffman and Anna Hoffman, his wife, parties of the first part, and M. H. Milton, party of the second part, witnesseth, that if the said party of the second part shall first make the payments and perform the covenants hereinafter mentioned on his part to be made and performed, the said parties of the first part hereby covenant and agree to convey and assent to the ^{said} party of the second part, in fee simple, clear of all incumbrances whatever, by a good and sufficient deed, the lot, piece or parcel of ground situated in the County of Palm Beach, State of Florida, known and described as follows, to wit: Commencing at the South East (S.E.) corner of Lot One (1) of Block one hundred (100), running North on Aithan Street a distance of seventy feet (70) feet thence East a distance of Forty seven feet (47) feet thence South (S.)

EXHIBIT “D”

Name

Address

MAR-15-1995 5:13PM 95-080077

ORB 8659 Pg 565

DOROTHY H. WILKEN, CLERK PB COUNTY, FL

Property Appraisers Parcel Identification (Folio) Number(s):

DA-513
R. 06/93

TAX COLLECTOR'S CERTIFICATION

DATE OF TAX DEED APPLICATION

9-20-94

This is to certify that COUNTY OF PALM BEACH, holder of Tax Sale Certificate Number 18453, issued the 1ST day of JUNE, 19 91, and which encumbers the following described property located in the County of PALM BEACH, State of Florida, to-wit: 50 43 43 14 00 002 0041 14-43-43, N 10.3 FT OF SUB P OF GOV LT 2 LYG E OF OCEAN BLVD

has surrendered same in my office and made written application for tax deed in accordance with Florida Statutes.

I certify that the following tax certificates, interest, ownership and encumbrance report fee, and Tax Collector's fees have been paid:

Certificates Owned by Applicant and Filed in Connection With This Tax Deed Application:

Certificate Number	Date of Sale	Face Amount of Certificate		Interest		Total	
18453	6-1-91	413	22	247	93	661	15

Certificates Redeemed by Applicant in Connection With This Tax Deed Application:

Certificate Number	Date of Sale	Face Amount of Certificate		Tax Collector's Fee		Interest		Total	
11321	6-1-88	256	01	5	00	243	21	504	22
12682	6-1-88	265	65	5	00	255	02	525	67
14270	6-1-90	403	23	5	00	209	68	617	91
18609	6-1-92	417	93	5	00	175	53	598	46
16428	6-1-93	423	59	5	00	33	89	462	48
15084	6-1-94	433	49	5	00	26	01	464	50

SUBJECT TO 1994 & SUBSEQUENT TAXES

Total Amount Paid

1. Total of all Certificates in Applicant's Possession and Cost of the Certificates Redeemed By Applicant	3834	39
2. Total of Delinquent Taxes Paid by Tax Deed Applicant		
3. Total of Current Taxes Paid by Tax Deed Applicant		
4. Ownership and Encumbrance Report Fee	125	00
5. Tax Deed Application Fee		
6. Total Certified By Tax Collector To Clerk of Court		
* 7. Clerk of Court Statutory Fee	60	00
* 8. Clerk of Court Certified Mail Charge	23	20
* 9. Clerk of Court Advertising Charge	90	00
*10. Sheriff's Fee	42	00
*11. Total of Lines 5 through 9	4,174	59
*12. Interest Computed by Clerk of Court Pursuant to Section 197.542, F.S. 6 months	375	72
*13. Total of Lines 10 & 11 (Statutory or Opening Bid)	4,550	31

**Done this the 26TH day of OCTOBER, 1994

Date of Sale JOHN K. CLARK TAX COLLECTOR OF PALM BEACH COUNTY

By John K. Clark, 19

*To be completed by the Clerk of the Circuit Court after certification from the Tax Collector.

**This certification must be surrendered to the Clerk of the Circuit Court no later than ten days after this date.

VACB

MAR-15-1995 5:13PM 95-080078
ORB 8659 Pg 566
MAR 22 1995 10 10 11 AM 01 018 000

Palm Beach Daily Business Review

Published daily, Monday through Friday except legal holidays
West Palm Beach, Palm Beach County, Florida

STATE OF FLORIDA
COUNTY OF PALM BEACH:

Before the undersigned authority personally appeared D. Mullin, who on oath says that she is the General Manager of the Palm Beach Daily Business Review 1/2's Palm Beach Review, a newspaper published at West Palm Beach in Palm Beach County, Florida; that the attached copy of advertisement, being a Legal Advertisement or Notice in the matter of

CERT. NO. 18453

NOTICE OF APPLICATION FOR TAX DEED
NAME IN WHICH ASSESSED:
RHODES L PERDUE ET AL

In the XXXXXX Court,
was published in said newspaper in the issues of
Feb 7, 1995 Feb 14, 1995
Feb 21, 1995 Feb 28, 1995

Affiant further says that the said Palm Beach Daily Business Review is a newspaper published at West Palm Beach, in said Palm Beach County, Florida, and that the said newspaper has heretofore been continuously published in said Palm Beach County, Florida, and has been entered as second class mail matter at the post office in West Palm Beach in said Palm Beach County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that she has neither said nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in said newspaper.

D. Mullin

Sworn to and subscribed before me this

28 day of February A.D. 1995

Linda Rappaport

(SEAL)

D. Mullin sworn to by LINDA RAPPAPORT
MY COMMISSION # 00287180 EXPIRES
February 14, 1997
BONDED THRU TROY PAIR INSURANCE, INC.

NOTICE OF APPLICATION FOR TAX DEED

NOTICE IS HEREBY GIVEN, that COUNTY OF PALM BEACH the holder of the following certificate has filed said certificate for a tax deed to be issued thereon. The certificate number and year of issuance, the description of the property, and the names in which it was assessed are as follows:

Certificate No. 18453

Year of Issuance JUNE 1, 1991

Description of Property

14-43-43, N 10.3 FT OF SUB

P OF GOV

LT 2 LYG E OF OCEAN BLVD

50-43-43-14-00-002-0041

Name in which assessed

RHODES L PERDUE ET AL

Said property being in the County of PALM BEACH, State of Florida.

Unless said certificate shall be redeemed according to law the property described in such certificate shall be sold to the highest bidder at the courthouse door on the 15th day of MARCH, 1995, in Courthouse Lobby, Second Street entrance at 11:00 a.m.

Dated this 7th day of FEBRUARY, 1995.

SUBJECT TO 1994 TAXES

DOROTHY H. WILKEN

Clerk of Circuit Court of

PALM BEACH County, Florida

(Circuit Court Seal)

DELINQUENT REAL ESTATE

TAXES DUE FOR THE YEARS:

1990, 1991, 1992, 1993, 1994, 1995 & 1996

TOTAL AMOUNT TO BE RE-

DEEMED: \$4,550.51

2/7-14-21-28

P85-1-0207126

STATE OF FLORIDA

COUNTY OF PALM BEACH

ORB 8659 Pg 567
DOROTHY H. WILKEN, CLERK PB COUNTY, FL

I, DOROTHY H. WILKEN, Clerk of the Circuit Court of the Fifteenth Judicial Circuit, in and for Palm Beach County, State of Florida, do hereby certify that I, the Clerk, did on the 7th day of February, 1995 mail a copy of notice addressed to:

SEIDEN HOLDING CORPORATION, 2 LOUIS LEIBOVIT ALIY, 205 WORKER AVENUE, PALM BEACH, FL
RHODES L PERDUE ET AL, 340 E PACES FERRY RD NE, ATLANTA, GA 30305
TOWN OF PALM BEACH, 360 S COUNTY ROAD, PALM BEACH, FL 33480
COUNTY OF PALM BEACH, 2 PREM, BLDG 503, 3323 BELVEDERE ROAD, WES TPALM BEACH, FL 33406
LMC PROPERTIES INC, 2 SUNBURST TRUST DEPT, P.O.BOX 23053, JACKSON, MS 39225
RICHARD F OR MILDRED OLSON, 7901 NE 8TH COURT, BOCA RATON, FL 33487
HEARTWOOD 88' INC, TAX CERTIFICATE DEPT, 2981 GATEWAY DRIVE, POMPANO BEACH, FL 33069
TCJV 1 RICHARD SUNSHINE TR, 140 BEACON LANE, JUPITER, INLET COLONY FL 33469
SOUTHTRUST EST & TRS CO, 135 W CENTRAL BLVD # 1200, ORLANDO, FL 32801
BANK ATLANTIC, TAX CERT DEPT J CHIN, 2981 GATEWAY DRIVE, POMPANO BEACH, FL 33069



DOROTHY H. WILKEN

CLERK OF THE CIRCUIT COURT

BY:

Tomara T. Stambaugh
DEPUTY CLERK

Name

Address

MAR-15-1995 5:13 PM 95-080079
 ORB 8659 Pg 568
 Con 4,560.00 Doc 32.20
 DOROTHY H. WILKEN, CLERK PB COUNTY, FL

Property Appraisers Parcel Identification (Folio) Number(s):

TAX DEED

STATE OF FLORIDA

COUNTY OF PALM BEACH

The following Tax Sale Certificate Numbered 18453 issued on June 1, 1991 was filed in the Office of the Tax Collector of this County and application made for the issuance of a tax deed, the applicant having paid or redeemed all other taxes or tax sale certificates on the land described as required by law to be paid or redeemed, and the costs and expenses of this sale, and due notice of sale having been published as required by law, and no person entitled to do so having appeared to redeem said land; such land was on the 15th day of March, 19 95, offered for sale as required by law for cash to the highest bidder and was sold to:

PB HARIZONS INC

ADDRESS: APT B1 701 NW 13TH STREET BOCA RATON FL 33486

being the highest bidder and having paid the sum of his bid as required by the Laws of Florida.

NOW, this 15th day of March, 19 95, the County of Palm Beach, State of Florida, in consideration of the sum of (\$ 4,560.00) FOUR THOUSAND FIVE HUNDRED SIXTY AND 00/100 Dollars, being the amount paid pursuant to the Laws of Florida does hereby sell the following lands situated in the County and State and described as follows:

14-43-43, N 10.3 FT OF SUB P

OF GOV LT 2 LYG E OF OCEAN

BLVD

TAX DEED FILE NUMBER: 18453'91

PROPERTY ID NUMBER: 50-43-43-14-00-002-004

CLERK OF THE CIRCUIT COURT
PALM BEACH COUNTY

WITNESS:

Rachelle R. Adams

Tamara T. Stambaugh

STATE OF FLORIDA

BY: Leah S. Emerson (seal)
 Deputy Clerk
 LEAH S. Emerson

COUNTY OF PALM BEACH

On this 15th day of March, 19 95, before me TAMARA T. STAMBAUGH personally appeared
LEAH S. EMERSON a Deputy Clerk for Clerk of the Circuit Court in and for the State and this County known
 to me to be the person described in and who executed the foregoing instrument, and acknowledged the execution of this instrument
 to be her own free act and deed for the use and purpose therein mentioned, who is personally known to me and who did not take an
 oath.

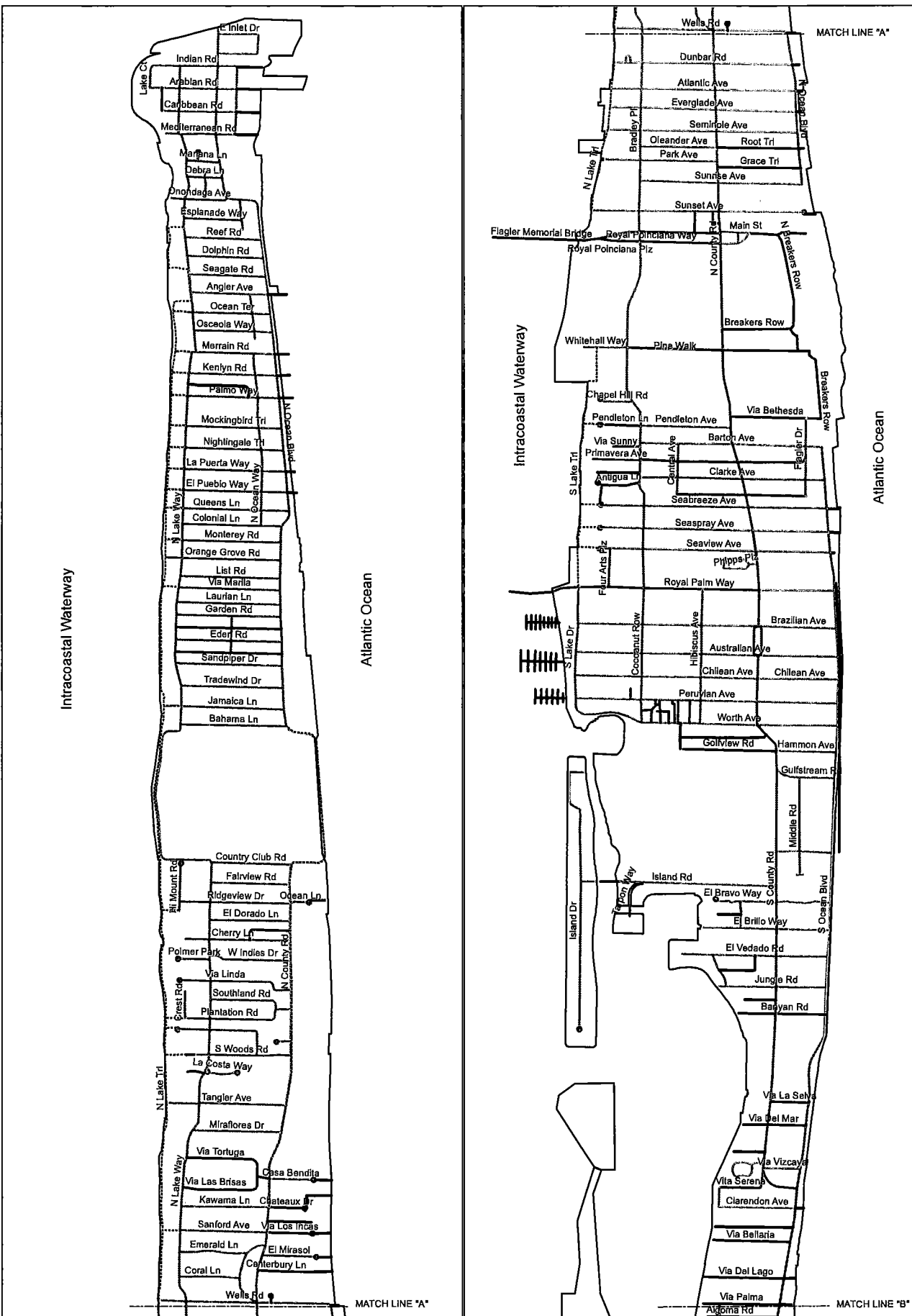
Witness my hand and official seal date aforesaid.

Tamara T. Stambaugh
 NOTARY PUBLIC STATE OF FLORIDA



TAMARA T. STAMBAUGH
 MY COMMISSION # CC 230482 EXPIRES
 October 28, 1996
 16000 11500 12000 13000 14000 15000 16000 17000 18000 19000 20000 21000 22000 23000 24000 25000 26000 27000 28000 29000 30000 31000 32000 33000 34000 35000 36000 37000 38000 39000 40000 41000 42000 43000 44000 45000 46000 47000 48000 49000 50000 51000 52000 53000 54000 55000 56000 57000 58000 59000 60000 61000 62000 63000 64000 65000 66000 67000 68000 69000 70000 71000 72000 73000 74000 75000 76000 77000 78000 79000 80000 81000 82000 83000 84000 85000 86000 87000 88000 89000 90000 91000 92000 93000 94000 95000 96000 97000 98000 99000 100000

EXHIBIT “E”



TOWN OF PALM BEACH EXISTING ROAD, BICYCLE & PEDESTRIAN NETWORK MAP - 2017
Planning, Zoning & Building Department

BEACH ACCESS PRIVATE	PRIVATE BRIDGE	STATE BRIDGE	TOPB ROAD
BEACH ACCESS PUBLIC	PRIVATE DRIVE	STATE ROAD	TOWN BRIDGE
CUL-DE-SAC	PRIVATE PATHWAY	TOPB ALLEY	TOPB BIKE/PED PATHWAY
PRIVATE ROAD	TOPB DOCK		

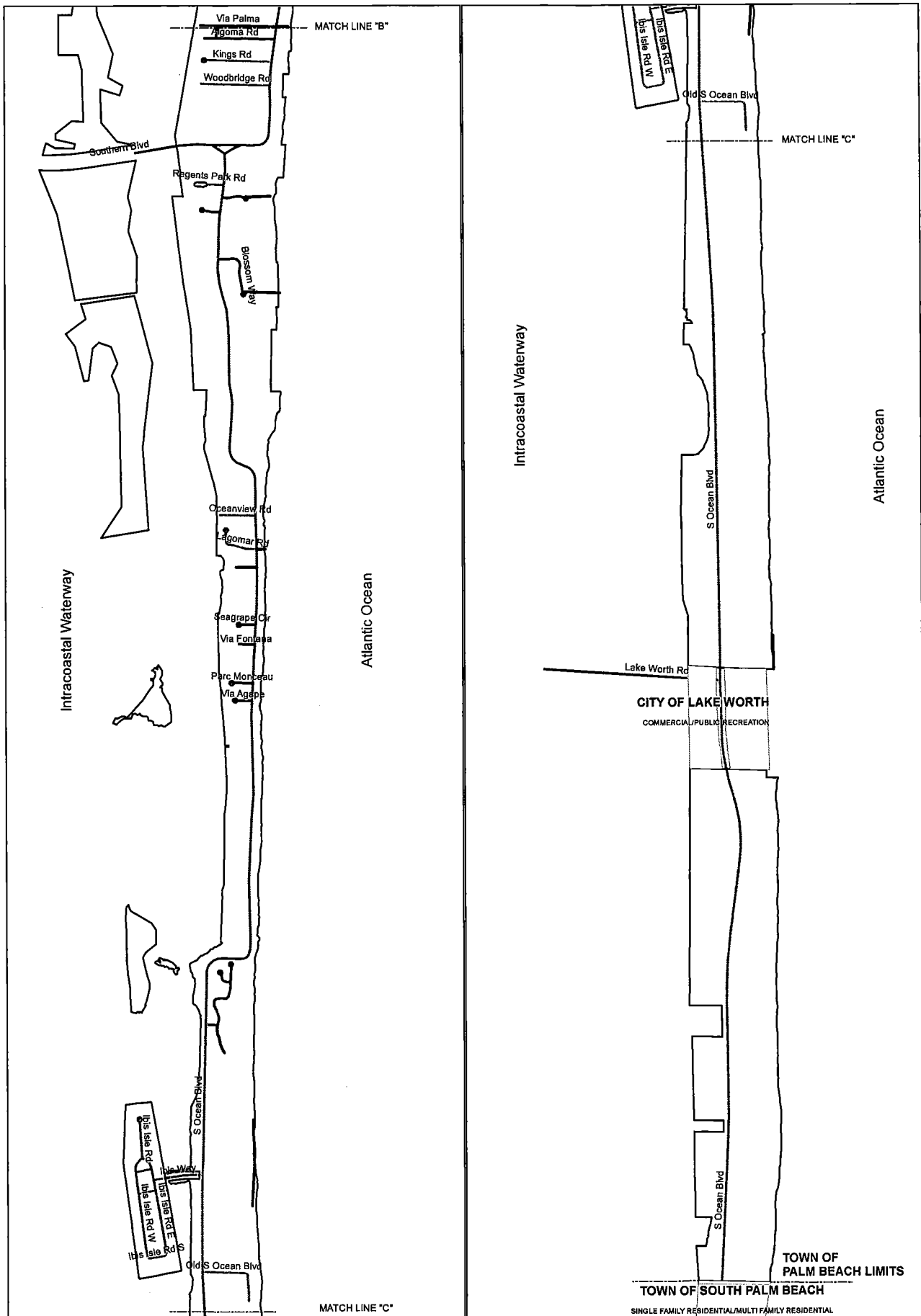
STOWN Backup 12-7-20



0 1,000 2,000 Feet

Map Created: July 28, 2017
 Town of Palm Beach
 Information Technologies GIS Department
 Planning, Zoning & Building Department
 (561) 838-5430
 Email: pzb@townofpalmbeach.com
 Website: palmbeach.gov/office.com

MAP II - 1



TOWN OF PALM BEACH EXISTING ROAD, BICYCLE & PEDESTRIAN NETWORK MAP - 2017
Planning, Zoning & Building Department

— BEACH ACCESS PRIVATE	— PRIVATE BRIDGE	— STATE BRIDGE	— TOPB ROAD
— BEACH ACCESS PUBLIC	— PRIVATE DRIVE	— STATE ROAD	— TOWN BRIDGE
— CUL-DE-SAC	— PRIVATE PATHWAY	— TOPB ALLEY	— TOPB BIKE/PED PATHWAY
— PRIVATE ROAD	— PRIVATE ROAD	— TOPB DOCK	



0 1,000 2,000 Feet

Map Created: July 28, 2017
 Town of Palm Beach
 Information Technologies GIS Department
 Planning, Zoning & Building Department
 (561) 838-5430
 Email: pzob@townofpalmbeach.com
 Website: palmbeach.gov/office.com



MAP II - 1

From: Matt McCormick <matthewmccormick@comcast.net>

Sent: Monday, November 09, 2020 11:12 AM

To: Paul Brazil <PBrazil@TownofPalmBeach.com>

Cc: Kirk Blouin <KBlouin@TownofPalmBeach.com>; Town Council <TCouncil@TownofPalmBeach.com>;

Town Council & Mayor <Town_Council_Mayor@TownofPalmBeach.com>; Jay Boodheshwar

<JBoodheshwar@TownofPalmBeach.com>; Town Clerks Staff <TownClerk@townofpalmbeach.com>;

Robert Weber <RWeber@TownofPalmBeach.com>

Subject: Re: Beach access Wells / Dunbar and the beach use

*****Note: This email was sent from a source external to the Town of Palm Beach. Links or attachments should not be accessed unless expected from a trusted source. Additionally, all requests for information or changes to Town records should be verified for authenticity.*****

Thank you Paul,

So I have a couple of quick questions.

1. From what I have been told at the State's Attorney office, that if beach access has been open to the public for more than 7 years, and maintained by the state or town, this access can then not be denied to public access. It may well be determined to be private land now, but the access or the public to continue use can not be denied.

2. Why was this former access for 40+ years with public signage done virtually in the middle of the night with no notice to the public? - this is really an underhanded way of handling public matters and needs to be investigated how this was handled.

3. With respect to the beach nourishment- if state funds or federal funds are used to rebuild the beaches any area with state sand can be used by the public - the land is still private but access and use for the public can not be denied. Hence I don't understand all the plastic poles that have been installed which clearly is an effort discourage and intimidate people from using state sand and state beaches?

4. Are these poles now also going to be installed for all Palm Beach non-town beaches? And if not, why not?

5. With respect to additional draconian rules that are being considered for this stretch of beaches, no dogs, no surfing, no kids with floaties... no trash, signs everywhere to clearly create further intimidation to residents and the public from using and enjoying our beaches, are these same rules then also going to apply to all non-public beaches in Palm Beach, and if not, why not?

The take away from all this, is the town has a real slated agenda to deny the use and access of beaches which are not town beaches - our beach access is now locked and closed from sunrise to sunset - again, while anyone on the north end enjoys parking, surfing, bond fires - picnics, dogs - beach parties and the like with no time limitations.

Please provide specific answer to my questions above. As noted, we have lived here for 20 years, my Mother lived here and my Grandfather lived here, my Great Grandfather came seasonally - but in the last 10 years it has become more and more clear that the only residents

that get immediate action and response and change are the ones who have arrived in the last 10 years with millions/billions of dollars to help influence what they want. And what they want they get, and often over night with no questions asked.

Thankfully there are those in the State's Attorney and County attorney's office that believe my concerns are valid and are willing to pursue on our behave.

I will be traveling tomorrow and not able to attend via zoom the council meeting when this topic comes up, but I would like my comments to be entered into the meeting record - I also request that my comments from my respective emails be read during resident comment time during the meeting.

Thank you very much.

Matt McCormick
250 Bradley Place.

Matthew B. McCormick
Executive Vice President
TTR | Sotheby's International Realty

[1206 30th St NW](#)
[Washington, D.C. 20007](#)
m: [\(202\)365-5883](#) | o: [\(202\)295-2388](#)
mmccormick@ttrsir.com

On Nov 9, 2020, at 9:51 AM, Paul Brazil <PBrazil@townofpalmbeach.com> wrote:

Good morning.

Attorneys have confirmed that both the 100 block of Atlantic roadway and the beach access are private and dedicated to the use of the residents in the 100 block of Atlantic Ave. This was a new development that was brought to our attention by an attorney working for those residents.

For many years, all parties believed both the road and the beach access were public. Public funds we used to maintain both and the public was allowed to use both. Now that we all agree that they are private, we will no longer spend public funds for maintenance.

Paul

H. Paul Brazil, P.E.
Director of Public Works

Town of Palm Beach

Public Works Department
951 Old Okeechobee Road
West Palm Beach, FL 33401
Phone: 561-838-5440
www.townofpalmbeach.com

From: Kirk Blouin <KBlouin@TownofPalmBeach.com>
Sent: Monday, November 09, 2020 9:38 AM
To: Town Council <TCouncil@TownofPalmBeach.com>; Town Council & Mayor <Town_Council_Mayor@TownofPalmBeach.com>; matthewmccormick@comcast.net
Cc: Jay Boodheshwar <JBoodheshwar@TownofPalmBeach.com>; Town Clerks Staff <TownClerk@townofpalmbeach.com>; Paul Brazil <PBrazil@TownofPalmBeach.com>; Robert Weber <RWeber@TownofPalmBeach.com>
Subject: RE: Beach access Wells / Dunbar and the beach use

Mr. McCormick,

Good morning. You can call me at 561-838-5410 and I or someone from the Town staff can provide the answers to your questions.

Thank you,

Kirk Blouin
Town Manager



Town of Palm Beach
360 South County Road
Palm Beach, FL 33480
561-838-5410

P.S. Don't forget to complete the 2020 Census Questionnaire and Be Counted before the October 31st deadline.

Visit: <https://www.2020census.gov/>

Or Call: [844-330-2020](tel:844-330-2020)

From: Aly Serrano <aserrano@TownOfPalmBeach.com> **On Behalf Of** Town Council
Sent: Monday, November 09, 2020 8:39 AM
To: Town Council & Mayor <Town_Council_Mayor@TownofPalmBeach.com>
Cc: Kirk Blouin <KBlouin@TownofPalmBeach.com>; Jay Boodheshwar <JBoodheshwar@TownofPalmBeach.com>; Town Clerks Staff <TownClerk@townofpalmbeach.com>
Subject: Fw: Beach access Wells / Dunbar and the beach use

From: Matt McCormick <matthewmccormick@comcast.net>

Sent: Saturday, November 7, 2020 12:48 PM

To: Town Council

Subject: Re: Beach access Wells / Dunbar and the beach use

*****Note: This email was sent from a source external to the Town of Palm Beach. Links or attachments should not be accessed unless expected from a trusted source. Additionally, all requests for information or changes to Town records should be verified for authenticity.*****

A footnote question for the council to my email below.

Is the 100 block of Atlantic a private road or public?, if private as contested by the 100 block owners in their reclaim of the former public beach access, why has the the town maintained the streets and why does the town enforce parking on a Private road?

Furthermore, is the town getting reimbursed for their cost of over 50 years of maintaining the Atlantic Ave. Beach access?, Trash, maintenance, beach stairs. And what about taxes for this parcel, if it is private who has paid the taxes for the last 50 years?

As a town resident tax payer it seems we have really been screwed with how this has a been handled.

Matthew B. McCormick

Executive Vice President

TTR | Sotheby's International Realty

[1206 30th St NW](#)

[Washington, D.C. 20007](#)

m: [\(202\)365-5883](tel:(202)365-5883) | o: [\(202\)295-2388](tel:(202)295-2388)

mmccormick@ttrsir.com

On Nov 7, 2020, at 11:29 AM, Matt McCormick <matthewmccormick@comcast.net> wrote:

As a 20 year resident, and third generation Palm Beach family I am greatly disturbed by the continual efforts of the town to limit non beach front owners access and enjoyment of our beaches. It has gotten to the point of being ridiculous and very discriminatory.

The closing of Atlantic ave. Beach access virtually in the middle of the night with no discussion or notice to the Public is a complete sham and Travesty. This beach access has been open to the Public since the beginning of time, maintained by the town and had signage. Someone clearly paid someone to make this all happen and look the other way.

Now the town council wants to take control of the state beach area between the Breakers and Wells Rd. which are not town beaches and create all sort of controls and rules - no dogs, no surfing, no floaties , no ball tossing, no trash, no eating Dorito chips... etc. etc. its all too much. These are not Town beaches - so please back off with all these crazy double standard rules.

The town does not own beaches on the North end of island - so the town can not make rules that effect our beach enjoyment and then look the other way with rules and regulations where the Mayor lives like they did during Covid. If there are going to be no dogs, surfing etc. permitted on these beaches the same must apply to all the beaches on the North End where there is also public access points.

I have spoken with the State Attorney's office and they concur with much of what I have outlined, and are willing to pursue should I be willing to file a formal complaint that the towns actions are clearly an effort to discriminate local and state residents the legal right to use and enjoy state beach access in the same manner that other palm beach residents are allowed to enjoy their beaches.

The town has allowed for a public access point to state beaches which have been re-nourished with State and Federal funds to be closed, which State law prohibits, they have allowed for cheap plastic stakes to be placed up and town the beach, which look like trash all in an effort to intimidate Palm Beach residents from using the beaches - I only hope that this kind of police like state of control continues to all beaches that are not town beaches, and the town council not take actions that do not apply on a more universal and less preferential basis.

Thank you.

Matt McCormick
250 Bradley Place

Matthew B. McCormick

Please be advised that under Florida law, e-mails and e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact the Town of Palm Beach by phone at (561) 838-5400, or in writing: 360 S. County RD, Palm Beach, FL 33480.

Jay Boodheshwar

From: matthewmccormick@comcast.net
Sent: Tuesday, November 17, 2020 2:31 PM
To: Kirk Blouin; Town Council; Town Council & Mayor
Cc: Jay Boodheshwar; Town Clerks Staff; Paul Brazil; Robert Weber; CHAD HOEFT - CHAD HOEFT DESIGN; Eileen McGrath - WFP; Cynthia Howar - WFP Inc.; 'Jennifer Borg'
Subject: RE: Special Town Council Meeting Sunset Beaches - Thru Wells Rd. Dec. 7th

*****Note: This email was sent from a source external to the Town of Palm Beach. Links or attachments should not be accessed unless expected from a trusted source. Additionally, all requests for information or changes to Town records should be verified for authenticity.*****

I am unable to participate in the upcoming Dec. 7th Special Council meeting and would like my following comments made on my behave at the meeting:

1. These beach access points are very important to the Public and residents of Palm Beach – clearly part of the recent popularity has been driven by COVID, where there are very few options for the public to find safe activities and recreation; I think post COVID things will become more normal, so all these draconian rules being considered do not make sense to me. Going to the Beach is one of the few safe outlets for people and families.
2. I don't support special restrictions for these beaches – they are not the Municipal Town Public Beaches, and should have the same rules and access that the other town public beach access points have. I don't think it is fair to create rules for these beaches that do not also apply to beaches on the North End. Whatever restrictions put in place here will only drive the public to “head North”, to think otherwise is foolish.
3. I think the town should do a better job promoting the Town Beach, with the bathrooms and life guards, its kind of amazing for a Town with the word “Beach” in its name not to have one word about the Town Beach on the Town's official website. You can “click” recreation for the Marina, Golf course, and tennis; but not one single word on where to go if you are interested in the Beach, seems odd to me?
4. Locking gates – from “sunset to sunrise”, makes no sense. Twilight and pre-dawn are some of the best times to be on the beach, especially for those who like to meditate. What happens to someone out on walk that then gets locked on the beach after sunset? These bike locks and gates look horrible too, they need to be redesigned, we have very talented residents who surely can help, because it's clear the town could use some professional guidance in this area.

5. I know it has been mentioned there have been 1,300 calls to the Police this year regarding complaints from neighboring residents – how many arrests have been made, and what have the Police found?
6. I am in favor of enforcement of current laws that protect neighbors homes and properties, if further police coverage or private security is needed it should be done.
7. I think the plastic beach marker polls look terrible, are childish and should not be allowed – not to mention they won't last, one good storm and they will all be another mess to deal with, also not sure how they are allowed given some of these homes are Landmarked, and require Arcom approval?
8. (4) years ago we moved from our home on Via Linda to a condo on Atlantic Ave. specifically so we could walk/drive to the beach and use the public beach access points with our dog. We are not happy with the continual loss of public street parking and the leash rule that was put in place for dogs, but does not apply to beaches to our North.
9. This is the Town of Palm *"BEACH"* – please don't lose sight of that; the beach is nice to look at, but better for people to be able to continue to use it, without a lot of unnecessary restrictions.

Thank you for all you do, and for allowing non-beach front residents to express their views too. For small condo owners, the Beach is one of our greatest amenities, please do not take it away from us.

Matt McCormick
250 Bradley Place
Palm Beach

From: Kirk Blouin <KBlouin@TownofPalmBeach.com>

Sent: Monday, November 9, 2020 9:38 AM

To: Town Council <TCouncil@TownofPalmBeach.com>; Town Council & Mayor
<Town_Council_Mayor@TownofPalmBeach.com>; matthewmccormick@comcast.net

Cc: Jay Boodheshwar <JBoodheshwar@TownofPalmBeach.com>; Town Clerks Staff
<TownClerk@townofpalmbeach.com>; Paul Brazil <PBrazil@TownofPalmBeach.com>; Robert Weber
<RWeber@TownofPalmBeach.com>

Subject: RE: Beach access Wells / Dunbar and the beach use

Mr. McCormick,

Good morning. You can call me at 561-838-5410 and I or someone from the Town staff can provide the answers to your questions.

Thank you,

Kirk Blouin
Town Manager



Town of Palm Beach
360 South County Road
Palm Beach, FL 33480
561-838-5410

P.S. Don't forget to complete the 2020 Census Questionnaire and Be Counted before the October 31st deadline.

Visit: <https://www.2020census.gov/>

Or Call: 844-330-2020

November 30, 2020

Subject: **Beach Access (Wells Road to Sunset Avenue)**

Dear Mayor Coniglio, and Town Council members,

We write to you regarding the recent actions taken to restrict access to the beach from Wells Road to Sunset Avenue, in particular:

- 1.The closing of access from sunset to sunrise - which requires considerable police resources to enforce and to lock/unlock the gates involved on a daily basis.
- 2.The placement of the unsightly poles on the ECL which really just serve as a reminder that the vast majority of the recently reclaimed beach is out of bounds to everyone except the fortunate owners of the adjacent beachfront properties. We understand that the public are allowed to walk on the beach but not sit on or use it in any recreational way.

When we purchased our home here we were excited about the prospect of walking on the beach every morning and evening but now it feels like we are trespassers and it will be difficult to feel comfortable bringing our grandchildren to play there when they visit from the Midwest.

In fact, we never knew that much of the beach was privately owned – there were no signs to this effect - but now that we are aware of this we very much appreciate the generosity of the beachfront property owners in allowing the public to use the beach. It is a difficult situation to navigate but we feel that placing poles in this manner feels like a deterioration in the spirit of goodwill and generosity of heart, at a time when we all need a helping hand to get through this pandemic. We do not dispute the rights of the property owners to highlight their property lines (assuming all permitting procedures have been followed) but we do feel that a kinder solution might have been possible.

We believe there have been complaints from the property owners about anti-social behavior and of course this is a big concern. However, we have never witnessed this in our many visit to the beach. If there are occasional instances of this surely there are other ways of dealing with it that do not have such a negative impact on the neighbors. Perhaps a temporary use of security cameras to deter such behavior?

Thus, we write to ask for your support in finding a way forward which satisfies beachfront property owners and allows nearby neighbors to access and use this wonderful resource in a respectful way.

Yours sincerely

Liam and Olive McCarthy