

M E M O R A N D U M

TO: Town Commission
FROM: Maggie Mooney, Town Attorney and
Tom Harmer, Town Manager
REPORT DATE: December 6, 2021
MEETING DATE: December 13, 2021
SUBJECT: Uninterrupted Public Beach Access

Recommended Action

Provide direction.

Background

Commissioners have received complaints about the seawall that extends out into the Gulf behind the property at 6633 Gulf of Mexico Drive. Some public concerns have been raised that the owners of the property are not allowing the public to transverse across the property. These recent complaints have been targeted at the owners who purchased the property in 2019 and over the past year have taken steps to address trespassing. The new residents are full time residents and have children that also reside on the property.

The seawall has been part of that property for at least 50-60 years. As early as 1977 the State of Florida established the Erosion Control Line (ECL) in that area following the private line and existing seawall at the time. The ECL generally establishes the demarcation between public and private property. The seawall and the property landward are privately owned.

There are three properties on the island that have similar conditions, though this particular property tends to be the most pronounced. Historically, it appears the Town has considered purchasing this property and at least one other property a few parcels South due to their unique erosional influence to beach nourishment efforts, but never pursued actually acquiring the properties.

Based on the recent public concerns, the Commission asked the Town Attorney to research legal issues and potential options regarding public access. In addition, Town staff with support from the Town's coastal engineer also researched engineering options as well.

During this review there have been multiple conversations with the owner, their counsel and real estate appraiser.

An update and overview of options explored will be reviewed with the Commission. At this time the Town continues to recognize their private property rights and responds to any calls regarding trespassing on the property.

Staff Recommendation

Provide direction.

End of Agenda Item