



PERSSON, COHEN, MOONEY, FERNANDEZ & JACKSON, P.A.  
ATTORNEYS AND COUNSELORS AT LAW

**M E M O R A N D U M**

**TO:** Mayor Schneier and the Town Commission  
**CC:** Tom Harmer  
**FROM:** Maggie Mooney, Town Attorney  
**REPORT DATE:** January 19, 2022  
**MEETING DATE:** January 24, 2022  
**SUBJECT:** Update on Easement Negotiations with the Property Owners of 6633 Gulf of Mexico Drive (a/k/a “Ohana Property”)

At the January 10, 2022, Town Commission Regular Meeting the Town Commission requested an update on the status of easement negotiations with the Property Owners of 6633 Gulf of Mexico Drive (hereinafter “Ohana Property”). The Town Manager and I have had several conversations with the Ohana Property Owners and their legal counsel following the December 13, 2021, workshop in an effort to negotiate a public access easement consistent with the Town Commission’s direction from that workshop. Negotiations have been unsuccessful. The Ohana Property Owners and their legal counsel have advised that they are not interested in conveying a permanent or temporary easement interest (including a delineated 10 ft path) across their property. They remain willing to explore a terminable lease arrangement that includes an annual lease payment consistent with terms that were outlined at the December 13, 2021, workshop. In the absence of such agreement, the Property Owners have requested that the Town Commission recognize their private property interests. Additionally, the Town’s Public Works Department is continuing its efforts to look at potential new beach access points in the area. Should you have any questions about this update, please do not hesitate to contact either me or the Town Manager.