

November 11, 2016

RE: LaPalma Easement/Park Access

TO: The Shareholders

I am writing this letter to summarize all the meetings, correspondence, and results that have occurred concerning the Proposed Fencing of the LaPalma Easement along our southern property line which would prevent our access to the park.

I attended the June 3rd meeting with the Town Manager, Tom Bradford, the Town Planning & Zoning Administrator, John Page, and County Parks & Recreation, Bob Hamilton and his personnel, plus LaPalma (via conference call). In that meeting, our lawyer produced all the background documents on the LaPalma easement that clearly proved that it was not an exclusive easement since it included a Parcel 1 and Parcel 2. This opinion was shared by the County Attorney as well as the Town Attorney. This basically prohibited the construction of the proposed fencing, etc, though LaPalma continued and continues to insist their easement is exclusive. The County was charged with coming up with other proposals that would satisfy Palm Worth as well as LaPalma. The County asked the Town Council to postpone their application until October. At this point, any permanent structure such as fencing of the easement was no longer valid nor under consideration.

The County, in late August, submitted to Palm Worth and

LaPalma, a new proposal that included an Option 1 and Option 2. Palm Worth reviewed and stated they preferred Option 1 that basically left everything the same - meandering walkway and our 2 gate access in place.

LaPalma wanted Option 2 that put their easement back where originally it was located and tore up the meandering walkway. Option 2 did not have any fencing. Palm Worth's opinion submitted to the Town Council in writing was that there seemed to be no real advantage for LaPalma in Option 2 and would cause removal of Palm trees and hedge shrubs right along our property line.

We went before the Oct. 13th Town Council Meeting with LaPalma still stating that their easement is exclusive though they would agree to Option 2 only. The Town Attorney, the County Attorney as well as our Attorney stated it was not an exclusive easement in their opinion. At this meeting, Paul Castro, the Town Zoning Administrator, stated that they had searched all their records and that there was no record of the County getting Town Approval to move the LaPalma easement walkway to the meandering walkway. Basically, this favored LaPalma since it supposedly was moved without Town Approval and per LaPalma without their approval. Palm Worth was asked if they would be satisfied with some type of document that guaranteed our continued access to the park. The Town instructed the County to work with Palm Worth and LaPalma and to come before the Nov. 9th Town Council Meeting with a solution.

On Oct. 24th, I along with Jim Apostolico, Glenn Keller, and Marian Day met at the County Parks & Recreation building with Jimmie Ryan, LaPalma's President and Carla Cove, LaPalma Board member, and the involved County Personnel

headed by Bob Hamilton. Through a difficult session with Mr. Ryan, Palm Worth agreed to LaPalma having their easement put back in the original location as shown on the site plans with the understanding that we would need a legal document stating we would have access across this easement at both gates and there would be no fencing of the easement. I had done excessive research of all our records concerning the 2001-2002 restoration of the park grounds that Palm Worth was responsible for because of the destruction of these grounds during the construction of our porches. I placed phone calls to Bill King, President at that time, as well as to JC Lanier and Len Lilyholm, in hopes of finding some type of official agreement by LaPalma that approved the moving of the walkway as it is now laid out. The consensus by Bill King was that at that time it probably was a handshake with LaPalma.

The following week I along with Jim Apostolico and Marian Day met with Bob Hamilton from the County at the site of the easement along our fence. Since we knew the LaPalma easement would be moved back (Town Council had not approved its movement in 2001) we suggested the meandering walkway remain as is and the LaPalma easement be reinstated as originally laid out. Our thought/hope was that the majority of the people would continue to walk along the meandering walkway and thus cut down on people walking along our property line. Our attorney had researched code restrictions of constructing any permanent structure within so many feet of a property line, etc. Since the County would need to make this handicap accessible, there would be a need for a concrete retaining wall because of the elevation of the land. The 21/2 ft code restriction did not apply since the wall was not above

3 ft!

Within this time frame, I received a proposed access agreement from LaPalma that allows Palm Worth access across their easement in exchange for Palm Worth giving them an easement on our beach. First and foremost, Palm Worth owns the beach property to the average high-water mark (as shown on our Deed) and giving any type of easement over any parts of our property would require 100% of the shareholders' approval. I was not surprised by this proposal from LaPalma since they wanted the County to pay them \$150,000 for the easement!

After a week of negotiating with the County, we went before the Town Council on Nov. 9th with the following agreement: Palm Worth would approve the restoration of the LaPalma easement (we really had no choice since no official approval by the Town or LaPalma could be found) and that the meandering walkway would remain based only on our having a legal document from the County stating Palm Worth will at all times have access through our 2 gates onto County Property and at no time would there be any fencing of the area. Our Attorney's consensus, as well as ours, was that the legal access agreement must be made with the county since they own the property and any agreement with LaPalma would legitimize their claim that the easement was exclusive and their right only to grant access. As of yesterday, I have signed the official access agreement which will be recorded in the Public Records, and have forwarded it on to our attorney who in turn will work with the County Attorney, Ross Herend, to ensure it is recorded.

Though I have given this report at the Palm Worth Board Meeting on Nov. 10th and it will be in the minutes, I wanted to be sure all the shareholders are aware of all the time and effort put in by many to ensure Palm Worth continues to have access to the park. Additionally, I want to thank all those shareholders who wrote letters to the Town Council stating Palm Worth's cause - they were the reason the Town Council listened to our arguments. And to those shareholders, especially Art Boyle who flew down for the Oct. 13th Town Meeting to show support, who joined me at these meetings , I say "Thank You" - it was appreciated.

Juanita Leary, President  
Palm Worth Board of Directors

Sent from my iPad