



*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.

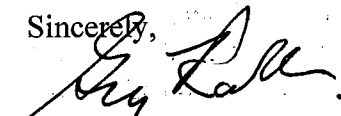
RTP and OT were both very concerned about this alarming increase of crime in the area and that is why both parties stepped up to the plate to do something about it; i.e., fence off access to the general public, but provide gated access to all of the owners on Root Trail, not just the owners on the North 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)

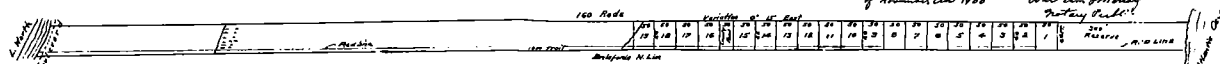
Enclosures

*Guy Rabideau, Esq.*

Page 4

October 12, 2020

## **EXHIBIT "A"**

[illegible]

STATE OF FLORIDA  
COUNTY OF PALM BEACH  
I HEREBY CERTIFY that the  
above and foregoing is a true and  
correct copy of a Will  
- - - - - as the same ap-  
pears of record in Dade Co, Fla.  
in Book No. 13 of - - -  
- - - - - of page 35  
Large Folio  
CLERK COUNTY COURT  
by Wm. H. Hoff - D.C.

Carson Beach, Salt Co. & Trinity  
 June 20-1900  
 I certify that the above plot is  
 a part and parcel of land owned  
 by me and subdivided as above  
 into lots  
 Victoria A. de la Riva, Prop't.

STATE OF FLORIDA  
COUNTY OF PALM BEACH

This document was filed for record on the 2nd day of March A.D. 1906, at the County Clerk's Office, Palm Beach, Florida.

Witness my hand and seal of office this 2nd day of March A.D. 1906.

JAMES H. WILSON  
County Clerk

Attest:  
J. B. [Signature]  
Deputy Clerk

This certifies that the foregoing plot is a true and correct copy of the full text of a survey made by me the 1st day of June 1900  
Geo. B. Butler  
Deputy Land Officer

Filed Dec. 15, 1900  
A. F. Pannely  
Chief Clerk Court  
Rec'd 13 page 35

Copied by  
BIDWELL & HOLSTLAW  
Under direction of  
CH. RUGGLES  
County Engineer

## **EXHIBIT “B”**

This Indenture, made the 12th day of February in the year of our Lord one thousand nine hundred and one between Edward A. Root and

John of the County of Florida part of the first part and John A. Root of the County 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, situate, lying and being in the County of Florida

and described as follows:  
Being known as lot number Two (2) in Block section  
number of parts of lots Four (4) Section section (15)  
and lot Two (2) section section (14) Township forty  
three (43) North Range (10) 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  
parties, 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 on the  
same, to be done on the premises under a penalty  
of forfeiture of all rights and interests obtained  
by their conveyance, should this condition 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, of, 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, 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 suit, execution or disturbance of the said part of the first part, or any person lawfully claiming thereunder.

That said premises are free from all incumbrances and liens of every nature and kind now or, 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 parties of the first part, have hereunto set their hands and seals the day and year first above written

*John J. McNeil* ) *Luciana A. Root*  
 ) *Church Root*  
*Sarah L. Salomon* )  
 )

STATE OF FLORIDA,  
 County of *Clade*  
 I HEREBY CERTIFY, that on this *22* day of *February* 19*11*, before me  
*Alvah P. Hattie*  
 personally appeared *Victoria A. Root*  
 and *Church Root* *his* to me known to be the person described in, and who  
 executed the foregoing instrument, and severally 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  
*Church Root* on an examination taken and made separately and  
 apart from her said husband, did acknowledge that she made herself a party to the said deed, for the purpose of returning and  
 relinquishing her dower, or right of dower, in and to the lands, tenements and hereditaments therein described, and thereby granted  
 and released, and that she executed said deed freely and without (fear or compulsion of her said husband).  
 IN WITNESS my hand and seal at *West Palm Beach Fla.* the date above said.

*NO Seal*

*Alvah P. Hattie*  
*Notary Public*

STATE OF FLORIDA,  
 County of *Clade*  
 BE IT REMEMBERED, That on the *25* day of *February* A.D. 1911, the  
 foregoing instrument of writing was presented and filed for record with the said clerk of the said County Court, and  
 and the same being properly authenticated, I have duly recorded the same in Book *94*  
*Alvah P. Hattie*  
*Notary Public*

Enoch Root et al  
TO  
Bridget Elizabeth Burkhardt

Filed for record the 8th day of October 1910  
First C. P. 11-11-10  
Clerk of the Circuit Court.

Number of Deed

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 TRAIL 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  
said 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, releasing 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

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

First C. P. 11-11-10  
Clerk Circuit Court.

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 its executors 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

Ernest 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. 1922, before me W. Henry Sullivan

Ernest Root

and Victoria W. Root

personally appeared  
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 Ernest 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



William J. McCall (Seal)  
Notary Public, State of Florida  
My Comm. Expires May 6, 1923

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

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, 1922, this instrument was recorded in Book One of Florida at page 2, P. 6.

W. Henry Sullivan Notary Public, State of Florida

This Indenture, Made this 23<sup>rd</sup> day of March A. D. 1912

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

Aussie L. Phillips  
of the County of \_\_\_\_\_ in the State of \_\_\_\_\_, part 2<sup>nd</sup> of the  
second part,

WITNESSETH, That the said part 1<sup>st</sup> 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 2<sup>nd</sup> of the second part, the receipt whereof is hereby acknowledged, has granted, bargained and sold to  
the said part 1<sup>st</sup> 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 1<sup>st</sup> of the first part do acknowledge 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 1<sup>st</sup> of the first part has hereunto set her hand and  
seal, the day and year first above written.

Witness, sealed and delivered in presence of us:  
A. L. Matthews Ethel McFarlane (Seal)  
M. D. Carmichael (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 \_\_\_\_\_  
is to 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 deed for the purpose of reconveying, 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, State of  
Florida this 23<sup>rd</sup> day of March A. D. 1912.  
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 \_\_\_\_\_  
Notary Public \_\_\_\_\_  
D. C.

## WARRANTY DEED.

Enoch Root, et al.,  
The Town of Palau Beach, a corp.  
Filed for record 12th day of December 1911.  
Horton B. Sammons, 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 Palau 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 Park of Palau Beach (4) Section Fifteen (15), and part of the section 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 second part, at the time of the executing and delivery of these presents, shall lawfully stand in the title of a good, able and independent 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 party of the second part, its heirs, executors and assigns, shall and may be free from all taxes, charges and assessments of and from all taxes and other taxes, claims and encumbrances of what nature and kind soever; 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 given to be considered reasonably proper to effectuate the full intent and meaning of this instrument.

## **EXHIBIT “C”**

This Indenture, made this 12<sup>th</sup> day of November 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 13<sup>th</sup> 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.

Signed sealed & delivered in presence of  
 E. M. Breleford  
 Mary L. 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 21<sup>st</sup> 1913.

Filed July 1-1912

Recorded July 3-1912

Deed Book 22- Page 410.

Hudson & Saunders Jr

Clerk Circuit Court

by Fred E. Fernald D.C.

Articles of Agreement, made this 15<sup>th</sup> 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 <sup>said</sup> 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

## **EXHIBIT “D”**

Name

Address: 14013

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 &amp; 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 @ 9%	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 20 1995 10 10 11 AM 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: \$4,550.31

2/7-14-21-28

P85-1-0207126

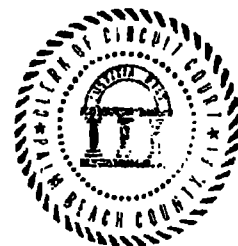
STATE OF FLORIDA

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 WORKIE 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.

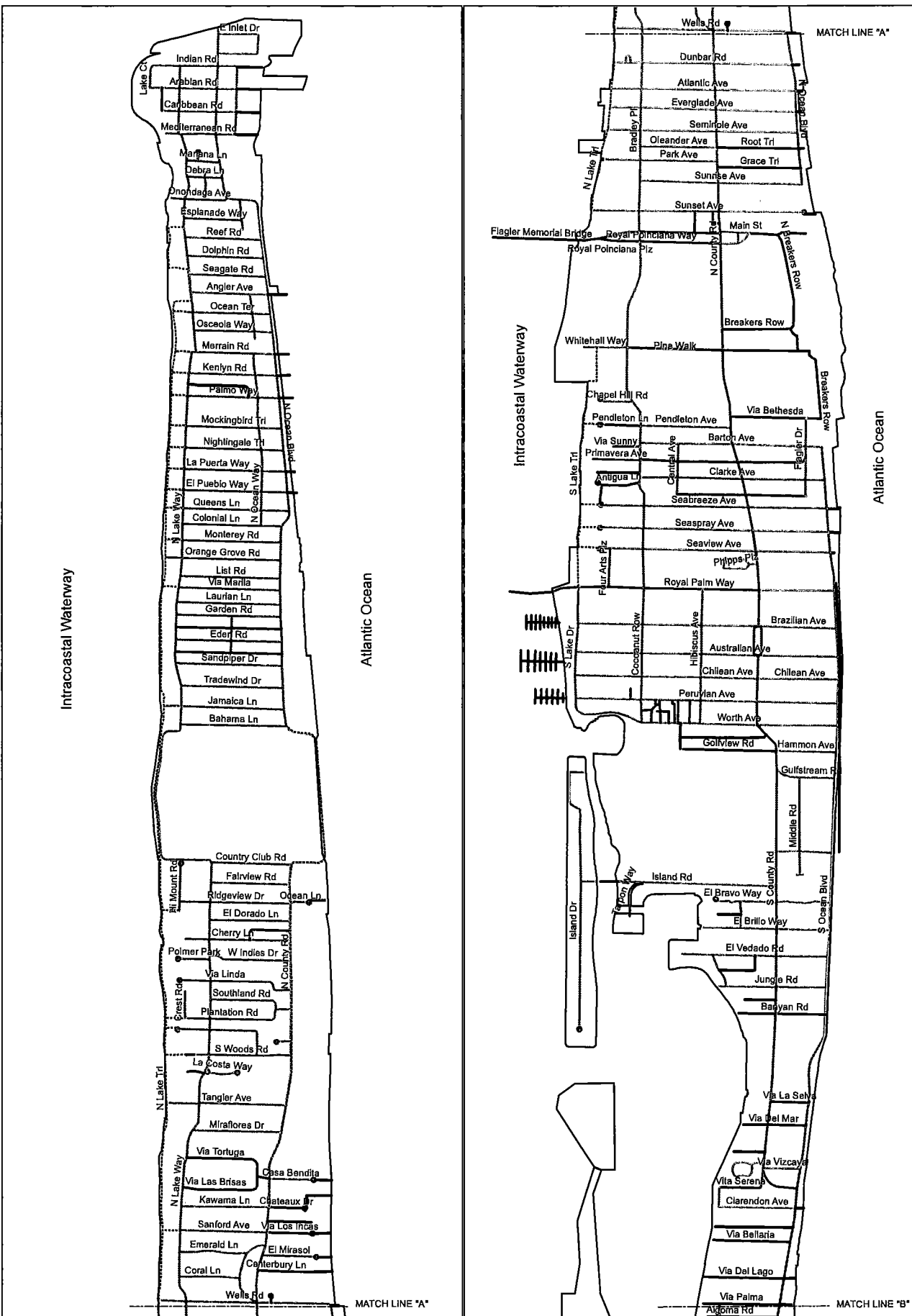
Tamara T. Stambaugh  
 NOTARY PUBLIC STATE OF FLORIDA



TAMARA T. STAMBAUGH  
 MY COMMISSION # CC 230482 EXPIRES  
 October 28, 1996  
 60 NED 11501 TAYLOR INSURANCE CO., INC.

## **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/PEDESTRIAN PATHWAY
— PRIVATE ALLEY	— PRIVATE ROAD	— TOPB DOCK	

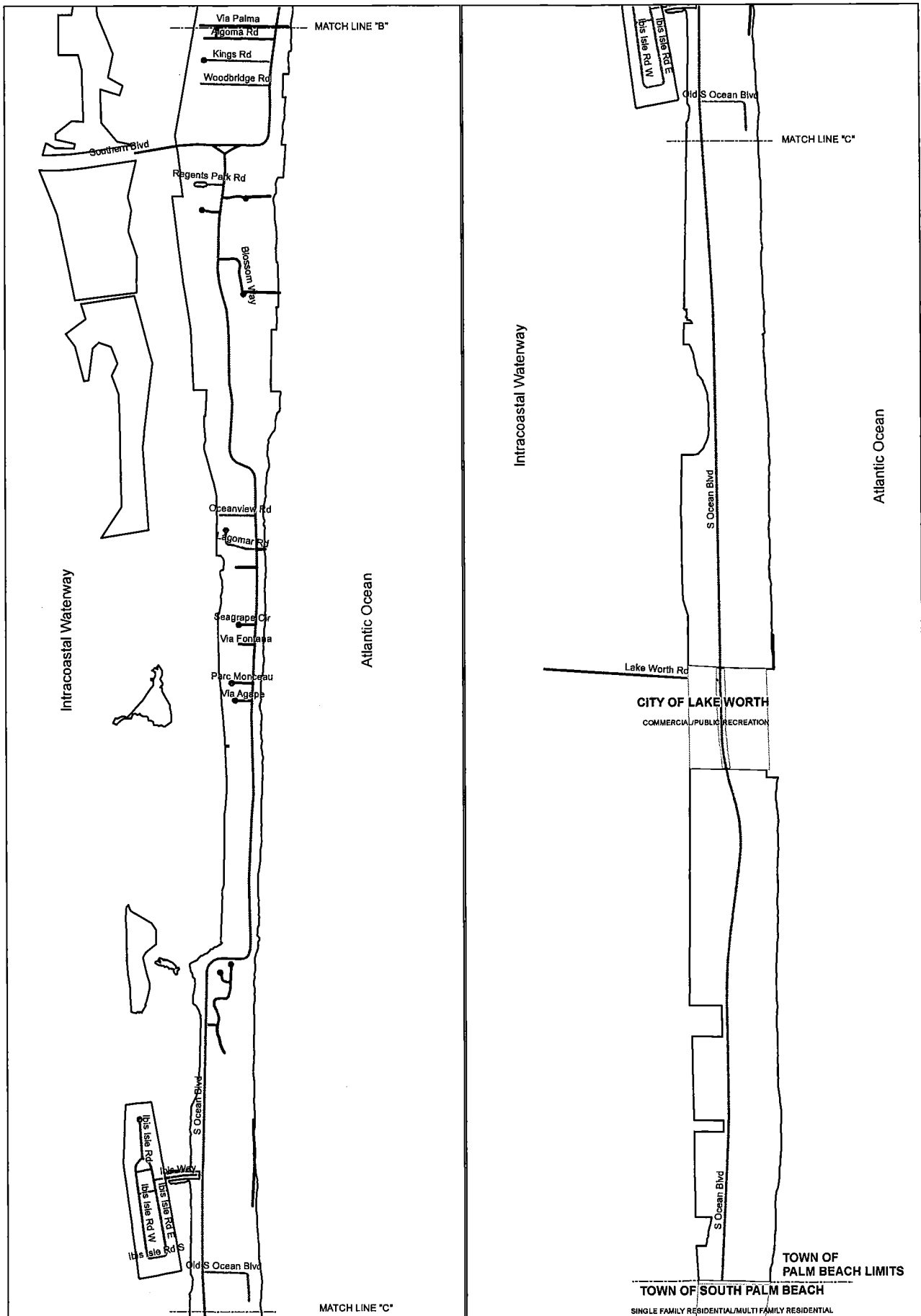


0 1,000 2,000 Feet

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



MAP II - 1