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September 13, 2021

Mayor Moore and Town Council  
Town of Palm Beach  
360 South County Road  
P.O. Box 2029  
Palm Beach, FL 33480

Re: Root Trail Beach Access: Proposed Ordinance No. 21-2021

Dear Mayor Moore and Town Council:

This letter is submitted on behalf of the following property owners who live on Root Trail (the "Root Trail Residents").

- John Farrell: 145 Root Trail
- Helen Tracy: 147 Root Trail
- Tim & Cindy Leuliette: 149 Root Trail
- Herb Sambol: 151 Root Trail
- John & Margaret Brady: 155 Root Trail
- Frances, Richard, Robert, Dave Frisbie: 165 Root Trail
- Alison Irwin: 167 Root Trail
- James Held/Kenn Karakul: 169 Root Trail
- Irwin/Held/Karakul: 171 Root Trail
- Penelope Irwin: 173 Root Trail
- Peter Coleman: 125 Root Trail
- Bill & Shelia Mchenry: 126 Root Trail
- Cathy & David Brooker: 127 Root Trail

In connection with your proposed Ordinance No. 21-2021, the Root Trail Residents are generally in support of the Ordinance, but because of the following reasons we are requesting that the Root Trail Residents have access through the proposed gate to the beach after sunset and before sunrise.

In 1900, Mr. and Mrs. Root created the Root Subdivision and recorded a Plat for the Roots Subdivision that created lots and the road known as Root Trail. Per the terms of the Plat, the owners on Root Trail were granted ownership of Root Trail, which runs from the Atlantic Ocean on the east to the Intracoastal Waterway on the west. As a result, all owners on Root Trail were granted the right of access over Root Trail to the beach and Lake Trail.

Despite a subsequent conveyance of Root Trail by the Roots to the Town, all owners and residents of Root Trail properties have historically and consistently used Root Trail for access to the beach at all times of the day and night. No restrictions ever existed or were enforced. This continuous and unrestricted use in uncontroverted.

The Roots Plat gave all of the Root Trail Residents an express easement for access to the beach and the lake. Even if one argued that no express easement exists, the Root Trail Residents have through their open, notorious and continuous use of Root Trail for well over twenty years, obtained a prescriptive easement for such use.

Skip Randolph, in his memo to Kirk Blouin dated January 5, 2021, reached the same conclusion when he stated that "... there is strong evidence to support the existence of a prescriptive easement..." In fact, the use by the Root Trail Residents is the primary and maybe only use that qualifies for the prescriptive easement because their walking from their homes to the beach has been truly open, notorious and definitely continuous since the residents first built homes on Root Trail as opposed to the general public who routinely use other beach access points.

Due to their ownership on Root Trail and proximity to the Root Trail beach, the use by the Root Trail Residents of Root Trail for access to the beach is extremely similar to the use by the residents of Ocean Towers. We understand that the Ocean Towers residents will be given access through their gate at all times. We hereby request a similar accommodation for the Root Trail Residents through the south gate on Root Trail.

Granting this request merely keeps the status quo for the neighborhood and does not create any additional impact. In addition, it is consistent with the existing legal rights of the Root Trail Residents.

We also understand that there may be an agreement between Ocean Towers and the Town regarding the installation and appearance of the north gate to the beach. The Root Trail Residents also request the ability to be similarly engaged with the Town regarding the aesthetics and details of the south gate to the beach.

Thank you for your consideration of these residents. If you have any questions, please contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read "M. Timothy Hanlon", with a long horizontal line extending to the left.

M. Timothy Hanlon

Cc: Root Trail Residents  
John "Skip" Randolph, Esq.