

From: Donner, Mary Ellen
Sent: Tuesday, August 4, 2020 2:44 PM
To: Bentley, Eden
Subject: FW: Hightower Beach Park

Eden:
FYI
I will forward you the Resolution and Agreement.
ME

From: Jorandby, Abigail F.
Sent: Thursday, July 18, 2019 4:41 PM
To: Donner, Mary Ellen <MaryEllen.Donner@brevardfl.gov>
Cc: Lane, Terry A <Terry.Lane@brevardfl.gov>; Wojciechowski, Larry <Larry.Wojciechowski@brevardfl.gov>
Subject: Hightower Beach Park

Good Afternoon,

I have reviewed Resolution 2012-061, the corresponding Interlocal Agreement and the County Deed date March 20, 2012 in relation to Hightower Beach Park (hereinafter the "Property"). Pursuant to these documents, the County deeded the property to the City of Satellite Beach with the restrictive covenant that the property "be used solely as a public beach park and for purposes providing public recreational use and related activities." From the Resolution and Interlocal Agreement, it is clear that the parties desired to use, operate, maintain and improve the Property to provide public recreational use and public related activities.

In fact, the County Deed contains the restrictive covenant that in the event the Property "is not used or ceases to be used for the stated purpose and under the stated conditions, then all right, title and interest in the Property" shall revert to the County and the County shall have the right to reenter and repossess the Property.

It is my understanding that the proposed cross-over landing (elevated pedestrian walkway) would extend from a proposed neighboring hotel to Hightower Beach Park and that the cross-over landing (elevated pedestrian walkway) would have restricted access.

I would deem this to be contrary to the restrictive covenant of the County Deed in that the Property is intended to be used solely as a public beach park and free access must be granted to the public.

A restricted access cross-over landing (elevated pedestrian walkway) would violate the intent of the Resolution 2012-061, the corresponding Interlocal Agreement and the restrictive covenant contained in the County Deed date March 20, 2012.

Please let me know if you have any additional questions.