



**GUNSTER YOAKLEY**  
ATTORNEYS AT LAW

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November 9, 2001

**VIA FACSIMILE (561) 569-4317**  
**and U.S. MAIL**

Paul G. Bangel, Esq.  
County Attorney  
**INDIAN RIVER COUNTY**  
1840 25<sup>th</sup> Street  
Vero Beach, FL 32960-3365

Re: **OLD WINTER BEACH ROAD**

Dear Mr. Bangel:

This letter follows up on your letter to me dated November 2, 2001 regarding Old Winter Beach Road. As you and I discussed briefly many months ago, the County's understanding as to its alleged right-of-way on Hole in the Wall Island is incorrect. This issue was raised a number of years ago by the County in the context of the St. Johns River Water Management District permitting of the Horse's Head project and was addressed at that time. The conclusion was that any interest that the County may have once had to a right-of-way for public road purposes across Hole in the Wall Island was abandoned by the County many years ago, as is recorded in the public records, and there is no public road on Hole in the Wall Island. As the County has no right-of-way over Hole in the Wall Island, County right-of-way permits under Chapter 312 of the County Code are not required.

If you have any questions or would like to discuss this further, please contact me at your convenience.

Sincerely,

Ernest A. Cox

EAC/dtw/613902.1

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