

Davis, Persson, Smith & Darnell

Attorneys and Counselors At Law
A Partnership of Professional Associations
2033 Main Street, Suite 406
Sarasota, Florida 34237
(813) 365-4950

David D. Davis*
David P. Persson°
Kevin P. Smith
Robert W. Darnell
Barbara B. Levin

* Also licensed to practice in Illinois
° Qualified in Administrative and Governmental Law under
the Florida Designation Plan
Also licensed to practice in Louisiana and Massachusetts

Robert P. Rosin
Of Counsel
Telecopier
(813) 365-3259

April 1, 1993

Mr. Griff H. Roberts
Town Manager
Town of Longboat Key
501 Bay Isles Road
Longboat Key, Florida 34228

Re: Ansel Tract Easement/Longboat Cove

Dear Mr. Roberts:

This is in response to your request for an opinion concerning the proposed vacation of easement of the above property to be considered at the April 15th Workshop. I offer the following:

This is an easement which is not open to the general public. The Town as the owner of the land, however, continues to have rights to utilize the easement. Pedestrian traffic over the easement could be equal to or less than the amount of use the easement would have received had the property been developed by a private landowner for its zoned purpose at the time of granting the easement.

For a more detailed discussion of the rights of the parties as well as potential liability, I refer you to Scott Christiansen's opinion of January 1990.

If you wish further elaboration, please let me know.

Sincerely,



David P. Persson

DPP:awg7
cc: Leonard A. Smally, P.E.

RECEIVED

APR 2 - 1993

TOWN MANAGER'S OFFICE

m