

## Nathalia Mellies

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**From:** Robert Spottswood, Jr. <robert@spottswood.com>  
**Sent:** Wednesday, August 26, 2020 5:56 PM  
**To:** Nathalia Mellies  
**Subject:** FW: 250548-7 (N. Roosevelt Blvd.) - Parcel 169

Nathalia – see below. FDOT has declined to assert any ownership claims over the land in question. As a result, it is our position that the accreted lands belong to the upland owner (the hotel) as a matter of law.

Best,

Robert Jr.

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**From:** "Jim J. Young" <jjyoung@cityofkeywest-fl.gov>  
**Date:** Monday, July 6, 2020 at 3:50 PM  
**To:** "Robert Spottswood Jr." <robert@spottswood.com>  
**Subject:** FW: 250548-7 (N. Roosevelt Blvd.) - Parcel 169

JY

All correspondence is subject to the State of Florida's Public Information Act.

**From:** Woolam, Scott <Scott.Woolam@dep.state.fl.us>  
**Sent:** Tuesday, May 19, 2020 10:51 AM  
**To:** Ramos-Leal, Cindy <Cindy.Ramos-Leal@dot.state.fl.us>; Sellers, Eric <Eric.Sellers@FloridaDEP.gov>; Thompson, Vicki <Vicki.Thompson@dep.state.fl.us>  
**Cc:** Jim Gale, CFE <JGale@mcpaf.org>; Cernuda, Milady <Milady.Cernuda@dot.state.fl.us>; Jim J. Young <jjyoung@cityofkeywest-fl.gov>; Burgher, Tish <Tish.Burgher@dot.state.fl.us>; Negrin, X <X.Negrin@dot.state.fl.us>  
**Subject:** RE: 250548-7 (N. Roosevelt Blvd.) - Parcel 169

Cindy

I am not quite sure the issue as far as our ownership. Its my understanding that folks use to be able to access beach and not the Marriot put up a fence. We will look at the encroachment to see if we have any interest. Then, maybe Eric and I can give you a call. Do we know if the City's code violation has made the Marriot relocate the fence?

**From:** Ramos-Leal, Cindy <Cindy.Ramos-Leal@dot.state.fl.us>  
**Sent:** Tuesday, May 19, 2020 10:23 AM  
**To:** Woolam, Scott <Scott.Woolam@dep.state.fl.us>; Sellers, Eric <Eric.Sellers@FloridaDEP.gov>; Thompson, Vicki <Vicki.Thompson@dep.state.fl.us>  
**Cc:** Jim Gale, CFE <JGale@mcpaf.org>; Cernuda, Milady <Milady.Cernuda@dot.state.fl.us>; Jim J. Young <jjyoung@cityofkeywest-fl.gov>; Burgher, Tish <Tish.Burgher@dot.state.fl.us>; Negrin, X <X.Negrin@dot.state.fl.us>  
**Subject:** RE: 250548-7 (N. Roosevelt Blvd.) - Parcel 169

Good morning Scott:

Just wanted to give you an update on how each agency has addressed this complaint.

City of Key West- Code Compliance is addressing the permit issue with the Marriott.

FDOT- has completed research and determined ownership does not extend beyond the edge of sidewalk, so there is no encroachment on FDOT right of way.

County Appraiser- has researched and updated recorded deed and map information.

If there is any additional information you need, we are here to help.

Regards,

**Cindy B. Ramos-Leal**, F.C.C.M

Right of Way Agent, Property Management

Florida Department of Transportation

District VI – R/W Administration

1000 NW 111<sup>th</sup> Ave., Room 6105-B

Miami, FL 33172

Direct: (305) 470-5245 Fax: (305) 470-5327

E-mail: [Cindy.Ramos-Leal@dot.state.fl.us](mailto:Cindy.Ramos-Leal@dot.state.fl.us)

**Potential Property for Sale/Lease:** <https://rowsurplus.fdot.gov/>



**From:** Woolam, Scott <[Scott.Woolam@dep.state.fl.us](mailto:Scott.Woolam@dep.state.fl.us)>

**Sent:** Tuesday, May 19, 2020 8:42 AM

**To:** Sellers, Eric <[Eric.Sellers@FloridaDEP.gov](mailto:Eric.Sellers@FloridaDEP.gov)>; Vicki Thompson <[vicki.thompson@dep.state.fl.us](mailto:vicki.thompson@dep.state.fl.us)>

**Cc:** Ramos-Leal, Cindy <[Cindy.Ramos-Leal@dot.state.fl.us](mailto:Cindy.Ramos-Leal@dot.state.fl.us)>; Jim Gale, CFE <[JGale@mcpafl.org](mailto:JGale@mcpafl.org)>

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**EXTERNAL SENDER:** Use caution with links and attachments.

Ok. Will review

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**From:** Sellers, Eric <[Eric.Sellers@FloridaDEP.gov](mailto:Eric.Sellers@FloridaDEP.gov)>

**Sent:** Tuesday, May 19, 2020 8:38:36 AM

**To:** Woolam, Scott <[Scott.Woolam@dep.state.fl.us](mailto:Scott.Woolam@dep.state.fl.us)>

**Cc:** Ramos-Leal, Cindy <[Cindy.Ramos-Leal@dot.state.fl.us](mailto:Cindy.Ramos-Leal@dot.state.fl.us)>; Jim Gale, CFE <[JGale@mcpafl.org](mailto:JGale@mcpafl.org)>

**Subject:** FW: 250548-7 (N. Roosevelt Blvd.) - Parcel 169

Scott,

Please see attached and below for more information concerning the Marriott fence issue in Monroe County.

## Nathalia Mellies

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**From:** Shawn D. Smith  
**Sent:** Wednesday, June 23, 2021 4:25 PM  
**To:** Burgher, Tish  
**Cc:** Nathalia Mellies  
**Subject:** RE: [EXTERNAL] RE: Marriott Beachside/"Dinghy Beach" DOT Position

Good afternoon Ms. Burgher

Would it be possible from someone in your legal department to reach out to me? Our research and case law shows that the riparian rights to the area in question do not need to be included in the deed and transfer through the quit claim conveyance includes this land.

Thank you.

Shawn Smith  
Key West City Attorney  
305b809-3770

**From:** Burgher, Tish <Tish.Burgher@dot.state.fl.us>  
**Sent:** Wednesday, June 23, 2021 3:59 PM  
**To:** Christine E. Lininger <cheliner@msn.com>  
**Cc:** Mayor E-Mail <mayor@cityofkeywest-fl.gov>; Shawn D. Smith <sdsmith@cityofkeywest-fl.gov>; Jim J. Young <jjyoung@cityofkeywest-fl.gov>; editor@thebluepaper.com; Samuel Kaufman <skaufman@cityofkeywest-fl.gov>; Trujillo, Alicia <Alicia.Trujillo@dot.state.fl.us>  
**Subject:** [EXTERNAL] RE: Marriott Beachside/"Dinghy Beach" DOT Position

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Good afternoon Mr. Lininger.

Please be advised that the FDOT District Six Right of Way Engineering Office has reviewed the legal description of the 2018 quit claim deed from the City of Key West to FDOT, and determined that the subject area (i.e., the area where the fence was placed and the area abutting the fence towards the water) was not included in the area conveyed by the 2018 quit claim deed to FDOT.

Moreover, the title of the area from the fence to the water was researched and no evidence of ownership in FDOT was found with regard to the subject property. I hope that this information is helpful.

Regards,

Tish

Tish Burgher  
Communications Manager  
Florida Department of Transportation, District Six  
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