


**MEMORANDUM**

**TO:** Mayor England  
Vice Mayor Kostka  
Commissioner George  
Commissioner Samora  
Commissioner Rumrell

**FROM:** Max Royle, City Manager 

**DATE:** May 19, 2020

**SUBJECT:** Accessing Public Street from Rear of Private Property: Consideration of Pyrus Street Barricade Proposal

THE SITUATION

Pyrus Street is a street on the east side of State Road A1A, south of 11<sup>th</sup> Street. It goes a short distance, perhaps 400 feet east, where it dead ends at a property, 240 Bluebird Lane, which is in a private subdivision, Island Hammock. 240 Bluebird Lane is owned by Lee and Fiona Godfrey.

The Godfreys have used Pyrus for access to their property for various purposes. However, some of their neighbors object to this practice and have blocked the end of Pyrus to prevent access. This has resulted in a neighborhood feud that eventually has involved the City, as you can see from some of the attached information. The staff can find nothing in the City's regulations that prohibits the Godfreys from accessing the rear of their property from a public street.

Mr. Chris Cygul and Ms. Kristy Lee Wilson have asked to present a proposal to you to approve a wooden barricade or fence at the east end of Pyrus. They will be at your meeting to make their presentation in person. Some of their neighbors may also attend the meeting via Zoom.

We have forwarded Mr. Cygul's and Ms. Wilson's proposal to the Godfreys and have informed them of the presentation at your June 1<sup>st</sup> meeting in the event they want to speak to you about it.

ATTACHMENTS

Attached for your review is the following information:

- a. Pages 1-7, Mr. Cygul's and Ms. Wilson's proposal.
- b. Pages 8-9, an email from the Godfreys, in which they explain why they have used Pyrus for access to their property and their plan to put a fence with a gate from their property to Pyrus.
- c. Pages 10-15, emails concerning the Pyrus access dispute from the Public Works Director, City Attorney and Police Commander.

ACTIONS REQUESTED

There are two. The first is that you review the proposal with Mr. Cygul and Ms. Wilson, and hear from the Godfreys their side of the dispute.

Second, that you decide a policy that will govern the access of public streets from private property. The City administration's recommendation is that you allow such because it is common throughout our City. Many private subdivisions as well as private properties have accesses through gates or fences to public streets. These include:

- The Makarios subdivision: from Makarios Drive to A1A Beach Boulevard through a gate and from private property to F Street through a second gate.
- The Raintree and Ocean Woods subdivisions: Private properties have access through gates to 11<sup>th</sup> Street.
- Island Hammock subdivision: private property has access through a gate to Mickler Boulevard.
- Sandpiper Village subdivision: private property has access through a gate to a public street, Sabor de Sal.
- Villa del Rey subdivision: Bowers Lane, a private street, has access through a gate to Atlantic Oaks Circle, a public street.
- Ocean Ridge subdivision: easement owned by the homeowners' association has a gate to provide access to 8<sup>th</sup> Street, a public street.
- Spanish Oak subdivision: Spanish Oaks Lane, a private street, has access through a gate to Azalea Court, a public street.

If you agree with this recommendation, then the Godfreys could have a fence with a gate to provide non-vehicular access from their property to Pyrus Street similar to what other properties in the City now have.

Also, if you agree with this recommendation, then the City Attorney can prepare an ordinance that will make it part of the City Code.

# **Pyrus Street Barricade Proposal**

05.18.2020

---

**Chris Cygul & Kristy Lee Wilson**

Property Owners

493 Pyrus St.

Saint Augustine Beach, FL 32080

## Overview

We kindly request the St. Augustine Beach City Commission to address the concern of Pyrus Street currently being used as a "thru street", and to review a proposal during a live commission meeting, for the justification of the addition of a "barricade" at the end of Pyrus Street, located inside the city limits.

## Goals

1. To provide safety, security and promote concurrent conformity on the "No Outlet" aka Dead End Street
2. To prevent Pyrus St. from being used (as is currently) as a "thru street" to neighboring Island Hammock community

## Background

Pyrus St. is a quiet "No Outlet" marked residential street located within the city limits, just one block south of the 11th St, and exits to the main roadway of A1A South



Photo: Pyrus St Relation to 11th St



Photo: Pyrus St Relation to Island Hammock





Photo: Pyrus St., End of Street View (approx 2018)

## Current

Pyrus Street is currently marked as a “No Outlet” Street. There are (8) individual residential homes and duplexes, none of which are short term rentals. It is very family friendly, with (4) small children living at the very end of the street, ages 3, 4, 5, & 6, with (4) dogs also.



Photo: Pyrus St., A1A S View & “No Outlet” Sign (as of 5/10/2020)





Photos: Pyrus St. residents, families & dogs (as of 5/10/2020)

### Abuse Of “Right Of Way”

The residents at 240 Bluebird Lane in neighboring Island Hammock, currently using Pyrus Street to remove debris from the rear of their property



Photo: Pyrus St., End of Street Current (as of 5/14/2020)



**Photos: Truck hauling debris of 240 Bluebird Ln on 9:36am Saturday (before Mother's Day)**

### Unknown Timeline & Scope Of Work

- A. Project began over (9) months ago with fence panels left and large tree debris on the ground
- B. Multiple Workers, Talk of "wall" construction, a new roof installation & Backfilling of rear of property (which would allow for multiple large trucks delivering dirt), all planning to be accessed from Pyrus St.

### Using At Any And All Hours

### Unsafe Driving and Disregard For Children In The Roadway

### Disregard For Private Property, New Grass & City Roadway

- C. Driving over the grass of 491 Pyrus St
- D. Debris on the road

## Barricade Proposal

### Existing Barricades Within City Limits





## Proposed Barricade

E. Installation on City Property/Street/Easement

F. Materials

1. Wooden construction and of similar size and width as set forth on other beachside dead end streets
2. Barricade comprised of:
  - a) (3) 4" x 4" x 6' Pressure treated lumber
  - b) (2) 1' x 2" x 12' Pressure treated lumber



### G. Proposed Design



**Photo: Pyrus St., as of 5/18/2020, showing proposed barricade design (not to scale)**

### Conclusion

We respect the time and resources of the Commission and staff, and hope the concerns of our street can be addressed, with the hopes that a safe and conforming solution aka a "Barricade", can be approved and installed at the end of Pyrus Street.

## Max Royle

---

**From:** Florida Seaside <floridaseaside@yahoo.com>  
**Sent:** Wednesday, May 13, 2020 4:14 PM  
**To:** City Attorney; Thomas Ashlock; bward@cityofsab.org; Brian Law; Max Royle; braddat@cityofsab.org; Jennifer Thompson  
**Subject:** OUTSIDE ATTACHMENT:RE: 240 Bluebird Lane and 491 Pyrus Street, St. Augustine Beach  
**Attachments:** Mr\_Tredik.pdf

\* \* \* \* \* This message originated from outside of your organization! DO NOT click any links or open any attachments unless you validate the sender and know the content is safe. Please forward this email to IT@cityofsab.org if you believe the email is suspicious. \* \* \* \* \*

Dear City Officials:

Our names are Lee and Fiona Godfrey who own the property at 240 Bluebird Lane. Our backyard abuts the property at 491 Pyrus Street, owned by Kevin and Jennifer Pessina.

A portion of our backyard backs on to the public street Pyrus street.

We are presently clearing our land and bring a pickup truck with trailer attached to load debris out of the back of our property and drive down Pyrus. The owner of 491 Pyrus Street, Kevin and Jennifer Pessina have been made aware of this and at present sometimes we cross the corner of their front lawn which joins the street and our land by approximately 1-2 feet. Example backing out of a driveway and going onto neighbors grass.

We are being advised by two residents namely, 490 and 493 Pyrus Street that we are not allowed to access our property or in fact drive down the public street. This was addressed by email from Director Mr. Bill Tredik, which we delivered to the three residents. A copy of this email is attached.

The two residents in question have now blocked the particular corner on 491 Pyrus Street property to deny our access. We can understand Mr. and Mrs. Pessina's reluctance in requesting movement of the 25 sandbags and basketball net on the corner of their lawn due to the tension of the situation with their neighbors.

Our understanding is that even though Mr. and Mrs. Pessina own the property up to 120 feet the balance of land of approximately 15-20 feet to the joining of the street is owned by the City as a public right of way for use.

Our intention is to clear the land of brush etc. level the land as it is uneven as our neighbor is considerably higher and eventually put a fence with a gate on to Pyrus for

walking, bicycles, truck to drop off kayaks, etc. not to park trucks or put in driveway, just access like most people on the island who abut City property.

We would like to note that all activity is done during normal hours, we do not park, just drop off and leave.

We have tried all avenues and thought that when we received our letter of access we assumed the antics would stop. We would not have thought they would place their neighbor/friend in a compromising position nor finding another way to block our access on City property, as they believe it is private property. We are at a point where we are unable to continue our work.

We understand this seems out of the ordinary but we have extraordinary circumstances. We would appreciate if we can expand on our access letter to state that we may cross over/gain access regularly without continuous conflicts it is a public right of way in order that all parties have a clear concise understanding.

We are hoping that we have reached the correct departments for our confirmation.

We have endured over a month of bullying antics by two residents whose property does not abut ours but, feel we should not have access on their street.

Until I can have clear clarification all work has halted due to these existing tensions and would respectfully request this matter to be dealt as a priority.

We thank you in advance for your anticipated cooperation.

Regards,

Lee and Fiona Godfrey

240 Bluebird Lane

904-461-1220



RE: 240 Bluebird Lane

From: Bill Tredik (btredik@cityofsab.org)  
To: daytonarepair@yanoo.com  
... blaw@cityofsab.org  
Date: Friday, April 24, 2020, 04:41 PM EDT

Mr. Godfrey,

The City of Saint Augustine Beach has reviewed your situation on accessing the rear of your property on 240 Bluebird Lane, Saint Augustine, Florida 32080 from Pyrus Street. We can find no lawful reason why you cannot access the rear portion of your property on 240 Bluebird Lane via the City of Saint Augustine Beach's right of way on Pyrus Street.

***William Tredik PE, Public Works Director / City Engineer***

*City of St. Augustine Beach*

*2200 A1A South*

*St. Augustine Beach, Florida 32080*

*Ph: (904) 471-1119*

*email: btredik@cityofsab.org*

***PLEASE NOTE:*** Under Florida law, most communications to and from the City are public records. Your emails, including your email address, may be subject to public disclosure.

**Max Royle**

---

**From:** Lex Taylor <lex@dhclawyers.com>  
**Sent:** Tuesday, May 12, 2020 2:04 PM  
**To:** Max Royle; Charlie Douglas; Linda Campbell; Tammy Vining  
**Cc:** Thomas Ashlock; Bill Tredik; Brian Law  
**Subject:** RE: 240 Bluebird Lane

Max,

I spoke with Brian Law and neither of us can find anything in the Code that we can enforce against either party in this matter.

I would be happy to examine any portion of Code that one of the parties provides to see if we should enforce something differently, but at this time, I can see no reason for us to get involved to say that the person cannot access the Bluebird Lane property from Pyrus Road or that the City would issue any citations for placing a basketball hoop or parking a car in the right of way, both seem to be permissible within the Code.

I believe this matter is a civil matter between the two neighbors. My advice is for us to let them know we believe this matter is between the two parties civilly and not an issue for the City.

Yours truly,

*Lex Morton Taylor III*

Lex Morton Taylor III  
Florida Bar Number: 0123365

[Douglas Law Firm](#)

Offices: Palatka, Saint Augustine, Jacksonville, and Orange Park  
Phone: 1-800-705-5457

---

**DOUGLAS**  
LAW FIRM —

**CONFIDENTIALITY NOTICE:** The information and all attachments contained in this electronic communication are legally privileged and confidential information, subject to the attorney-client privilege and intended only for the use of intended recipients. If the reader of this message is not an intended recipient, you are hereby notified that any review, use, dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately of the error by return email and please permanently remove any copies of this message from your system and do not retain any copies, whether in electronic or physical form or otherwise.

**TAX ADVICE DISCLOSURE:** Pursuant to the requirements of Internal Revenue Service Circular 230, we advise you that any

federal tax advice contained in this communication (including any attachments) is not intended or written to be used, and cannot be used, for the purpose of: (1) avoiding penalties that may be imposed under the Internal Revenue Code or (2) promoting, marketing or recommending to another party any transaction or matter addressed in this communication.

**From:** Max Royle <mroyle@cityofsab.org>

**Sent:** Tuesday, May 12, 2020 1:16 PM

**To:** Charlie Douglas <charlie@dhclawyers.com>; Lex Taylor <lex@dhclawyers.com>; Linda Campbell <Linda@dhclawyers.com>; Tammy Vining <tammy@dhclawyers.com>

**Cc:** Thomas Ashlock <ashlocktl@sabpd.org>; Bill Tredik <btredik@cityofsab.org>; Brian Law <blaw@cityofsab.org>

**Subject:** FW: 240 Bluebird Lane

Folks,

Since this may come to the City Commission's attention, I need one of you to advise the City administration as to what the City's options are in this situation.

Thanks

**From:** Thomas Ashlock <ashlocktl@sabpd.org>

**Sent:** Tuesday, May 12, 2020 12:56 PM

**To:** Lex Taylor <lex@dhclawyers.com>; Bill Tredik <btredik@cityofsab.org>; Brian Law <blaw@cityofsab.org>

**Cc:** Max Royle <mroyle@cityofsab.org>; Ken Gatchell <kgatchell@cityofsab.org>; April Haskins <ayhaskins@cityofsab.org>; Charlie Douglas <charlie@dhclawyers.com>; Robert Hardwick <hardwickra@sabpd.org>

**Subject:** Re: 240 Bluebird Lane

All,

Today law enforcement was called out to Pyrus regarding this ongoing issue. There was a similar blockade in the roadway to the pictures Bill took yesterday, minus the medieval buttressing.

I personally met with all parties and in short informed the Pyrus crew they are not allowed to place objects in the roadway, especially sandbags, tables, and chairs regardless if a dead-end or not. However, the grassy right of way is not the road and correct me if I am wrong, but anyone could park or use the right of way for any legal purposes? Further, the right of way is not a travel lane, the residents on Bluebird must transverse along the right of way. This is due to their property not extending south enough to completely access Pyrus. Both parties agree that blocking the road access at the end of Pyrus is currently not allowed, however, the right of way is not normally used to drive through and if any person wanted to park a vehicle there or place a basketball hoop that would be allowed by our city ordinances?

I believe there needs to be clarification on this matter, as it is only going to get worse. I believe we need to address the following;

- Are residents allowed to park on the pavement or in the right of way on Pyrus, as long as they do not violate any other specific ordinance, such as proximity to a fire hydrant, etc?
- Are residents allowed to place a basketball hoop or chairs in the grassy right of way of Pyrus? Sec. 18-7. - Construction within rights-of-way states no construction or placement of any temporary structures. Would a rolling basketball hoop, chairs, and a table be a temporary structure? Attached is a picture that was sent to me after the blockade was removed.



- There are many other streets within the city with fencing blocking a property owner from accessing their property with a vehicle. Why is this different? Is it due to the road stopping directly on the Bluebird owner's property line?

I look forward to everyone's input.

Thanks!

**Thomas Lee Ashlock  
Commander**

St. Augustine Beach Police Department  
2300 A1A South  
St. Augustine Beach, FL 32080  
Main (904)471-3600  
Fax (904)471-0737  
Email- [ashlocktl@sabpd.org](mailto:ashlocktl@sabpd.org)



LEGAL NOTIFICATION: Florida Sunshine Statutes entail very broad public records requirements (F. S. 119). As required by law, all e-mails to and from the St. Augustine Beach Police Department are subject to public record. Your e-mail communications, including your e-mail address, may be disclosed to the public and media at any time. If you have received this communication in error, do not distribute it. Please notify the sender immediately by electronic mail and delete.

**From:** Lex Taylor <[lex@dhclawyers.com](mailto:lex@dhclawyers.com)>  
**Sent:** Wednesday, April 22, 2020 2:54 PM  
**To:** Bill Tredik <[btredik@cityofsab.org](mailto:btredik@cityofsab.org)>; Brian Law <[blaw@cityofsab.org](mailto:blaw@cityofsab.org)>  
**Cc:** Max Royle <[mroyle@cityofsab.org](mailto:mroyle@cityofsab.org)>; Ken Gatchell <[kgatchell@cityofsab.org](mailto:kgatchell@cityofsab.org)>; April Haskins <[ayhaskins@cityofsab.org](mailto:ayhaskins@cityofsab.org)>; Thomas Ashlock <[ashlocktl@sabpd.org](mailto:ashlocktl@sabpd.org)>; Brian Law <[blaw@cityofsab.org](mailto:blaw@cityofsab.org)>; Charlie Douglas <[charlie@dhclawyers.com](mailto:charlie@dhclawyers.com)>  
**Subject:** RE: 240 Bluebird Lane

Bill & Brian,

Bill, thank you for speaking with me yesterday. Per our conversation, I researched Right of Ways for this property.

We do not want to issue a City legal opinion in this matter. This has a high likelihood of becoming a civil matter between the two property owners. From our conversation, the City has nothing to enforce against either party and the issues are all civil between the two neighbors.

From what I can see on GIS, the 240 Bluebird Lane property is abutted by the City's Right of Way for Pryus Street. As such the Bluebird Lane is entitled to access the back portion of their property via Pryus Street unless there is anything else in our Code that prevents it. From our conversation, Bill did not believe there was an issue with the Code.

Bill, you were going to verify the location of the fire hydrant on the road to confirm whether the Pryus neighbor was blocking a fire hydrant when he was parking and blocking access to the rear access of the Bluebird Lane property.

We may want to look if anything in the Code prevents someone from blocking a right of way? If that is the case, we may be able to warn the Pryus Street neighbor that we could enforce against them for blocking the right of way when they park large vehicles on their property to block rear entrance to the Bluebird property if that is a code violation.

Brian or Bill if you see something else specific in the Code you want me to review on this let me know. I always hate to see neighbors fighting. Bill if you do decide to write anything for the City, I should review it before it goes out.

Yours truly,

*Lex Morton Taylor III*

Lex Morton Taylor III

Florida Bar Number: 0123365

[Douglas Law Firm](#)

Offices: Palatka, Saint Augustine, Jacksonville, and Orange Park

Phone: 1-800-705-5457

---

# DOUGLAS

---

## LAW FIRM

---

**CONFIDENTIALITY NOTICE:** The information and all attachments contained in this electronic communication are legally privileged and confidential information, subject to the attorney-client privilege and intended only for the use of intended recipients. If the reader of this message is not an intended recipient, you are hereby notified that any review, use, dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately of the error by return email and please permanently remove any copies of this message from your system and do not retain any copies, whether in electronic or physical form or otherwise.

**TAX ADVICE DISCLOSURE:** Pursuant to the requirements of Internal Revenue Service Circular 230, we advise you that any federal tax advice contained in this communication (including any attachments) is not intended or written to be used, and cannot be used, for the purpose of: (1) avoiding penalties that may be imposed under the Internal Revenue Code or (2) promoting, marketing or recommending to another party any transaction or matter addressed in this communication.

**From:** Bill Tredik <[btredik@cityofsab.org](mailto:btredik@cityofsab.org)>

**Sent:** Tuesday, April 21, 2020 4:09 PM

**To:** [charlie@shclawyers.com](mailto:charlie@shclawyers.com); Lex Taylor <[lex@dhclawyers.com](mailto:lex@dhclawyers.com)>

**Cc:** Max Royle <[mroyle@cityofsab.org](mailto:mroyle@cityofsab.org)>; Ken Gatchell <[kgatchell@cityofsab.org](mailto:kgatchell@cityofsab.org)>; April Haskins <[ayhaskins@cityofsab.org](mailto:ayhaskins@cityofsab.org)>; Thomas Ashlock <[ashlocktl@sabpd.org](mailto:ashlocktl@sabpd.org)>; Brian Law <[blaw@cityofsab.org](mailto:blaw@cityofsab.org)>

**Subject:** 240 Bluebird Lane

Charlie:

I have a legal question regarding access rights, and the City's right to grant and/or deny secondary access to a property.

As shown on the image below, the property on the right abuts approximately 25' of the end of the 60' wide Pyrus Street right of way.

According to the east property owner, they have historically occasionally accessed the rear of his property with a trailer.

The house directly west of him is newly constructed, with the property line approximately 22' from the edge of Pyrus.



