



DEPARTMENT OF INSPECTOR GENERAL
OKALOOSA COUNTY, FLORIDA
JD PEACOCK II, CLERK OF CIRCUIT COURT AND COMPTROLLER



To: Trey Goodwin, Chairman
Commissioner, Dist. 4
Okaloosa County Board of County Commissioners

May 21, 2020

Re: Marler Bridge / Okaloosa Island Public Beach Access

Dear Chairman Goodwin,

Our office conducted an administrative review of information provided by your office regarding the East Pass Beach Area located at the southwest end of the Marler Bridge. The information alleged that Okaloosa County had inappropriately identified a section of land as a park or public beach access. Jackson Guard identifies this area as SRI-5C on the 2019 -2020 Public Access Map (**Exhibit A**).

We obtained a copy of Quitclaim Deed No. 28370 associated with this property (**Exhibit B**). The quitclaim deed references an approved land swap between the Board of Trustees of the Internal Improvement of the State of Florida and the United States of America. The State of Florida exchanged the land adjacent to the Bridge for approximately 160 acres where the Northwest Florida State College / University of West Florida Fort Walton Beach campus is currently situated. The quitclaim deed address public access to the land adjacent to the Marler Bridge. The quitclaim deed, in part, states *"Pursuant to Public Law 100-501, the Secretary of the Air Force may take appropriate action to ensure the public access for recreational purposes to the above described property is continued in the manner and to the extent permitted on the date of the enactment of Public Law 100-501."*

We obtained a copy of Public Law 100-501 (**Exhibit C**) enacted by the United States Congress on October 18, 1988. Section (2)(c) address "Continued Public Access." Section (2) (c) states *"Continued Public Access- The Secretary may take appropriate action to ensure the public access for recreational purposes to the property described in subsection (b) is continued in the manner and to the extent permitted on the date of the enactment of the Act."*

A determination as to the extent public access was permitted in October of 1988 should be performed by the county's legal counsel. The appropriateness of this section of land being designated a public beach access area requires interpretation of Public Law 100-501 from legal counsel.

If you have any additional questions or concerns, please do not hesitate our office.

Sincerely,

Brad Embry, Inspector General
Okaloosa County Clerk of Circuit Court

CLOSURES FOR:

5/20/2020

2019 - 2020 Outdoor Recreation, Hunting and Freshwater Fishing Public Access Map

DAILY CLOSURE - DO NOT ENTER

Closed to all public access

See specific management unit regulations

Metts, Roberts Pond and Toms Creek

Choctaw and Sikes

Jackson and Brier Creek

East River and Eglin management units

Recreation Area: Closed to hunting, open to all other forms of recreation

Archery Area

EXHIBIT A

DISCLAIMER: Jackson Guard updates this map daily at 1 p.m. & 5 p.m. and provides the next-day and three day closure forecast. This map is intended for recreational access planning purposes and is subject to change. Gates, barricades and/or range personnel will prohibit access in the event unscheduled missions require immediate closure of public accessible areas. Entry into any closed area is strictly prohibited regardless of indicated map status. Individuals found to violate this guidance may lose their range privileges.

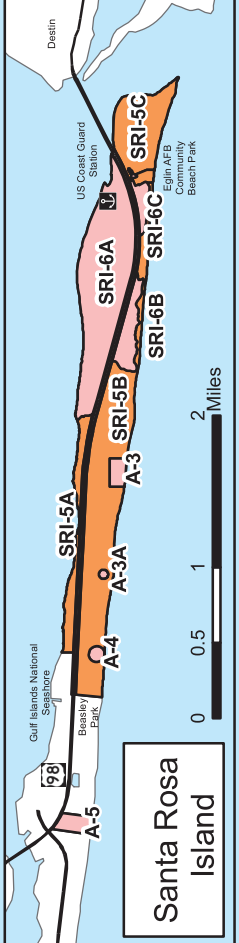
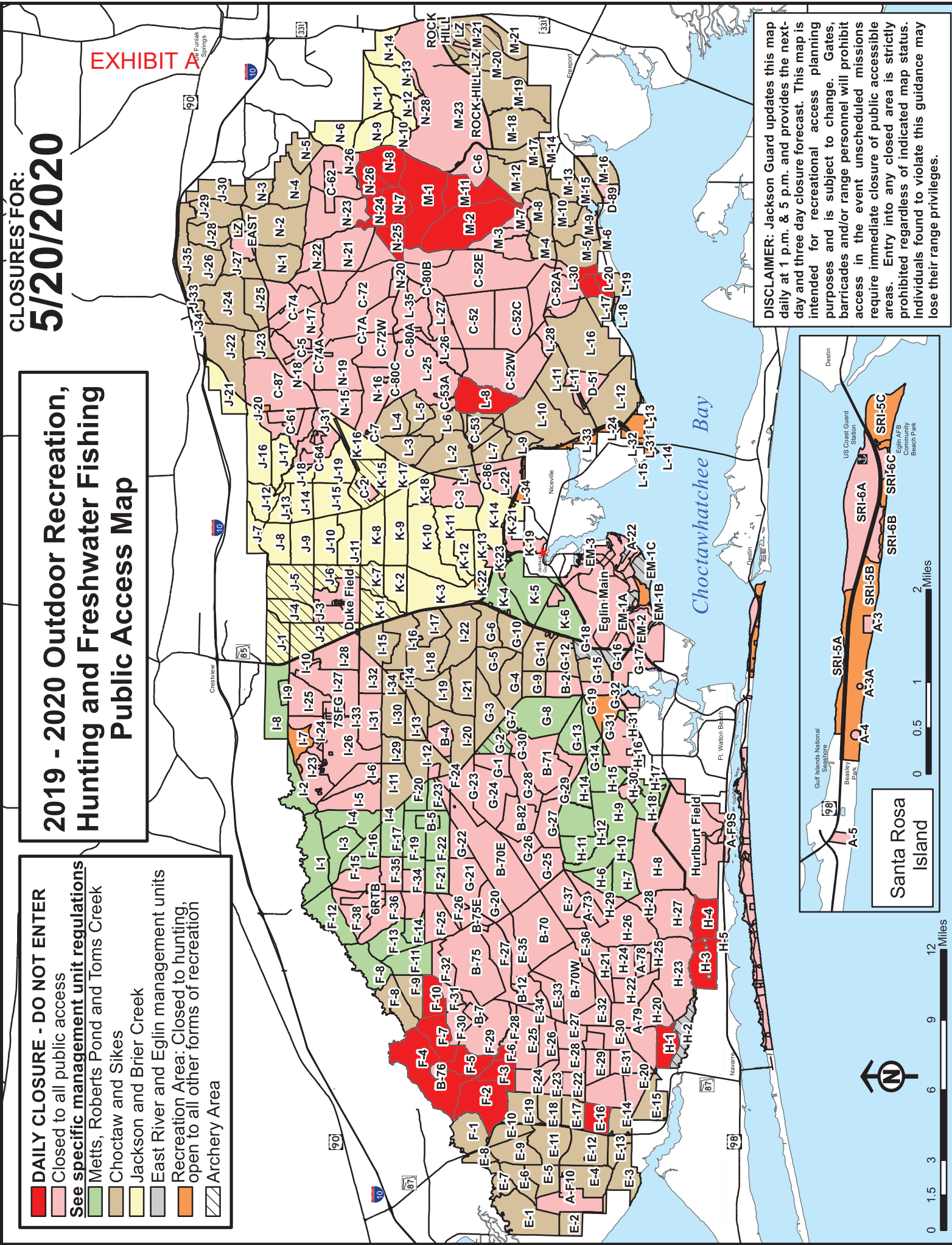


EXHIBIT B

25
** OFFICIAL RECORDS **
BK 1566 PG 1185

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND
OF THE STATE OF FLORIDA

QUITCLAIM DEED

TRUSTEES' DEED No. 28370

KNOW ALL MEN BY THESE PRESENTS; That

WHEREAS, the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida, is by Section 253.03, Florida Statutes, authorized and empowered to convey certain lands under the terms and conditions set forth herein; and,

WHEREAS, said Board of Trustees of the Internal Improvement Trust Fund of the State of Florida did approve this transfer on the 28th day of MARCH A.D., 1989.

NOW THEREFORE, the undersigned BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND OF THE STATE OF FLORIDA, Grantor, under authority of Section 253.03, Florida Statutes, for and in consideration of the conveyance of a quitclaim of interest to approximately 159.98 acres of land lying and being in Okaloosa County, Florida, by the UNITED STATES OF AMERICA, Grantee, whose address is Department of the Army, Mobile District, Corps of Engineers, P.O. Box 2288, Mobile, Alabama 36628-0001, has remised, released and quitclaimed, and by these presents does remise, release and quitclaim unto Grantee and its successor and assigns, forever, all the right, title,

EXHIBIT B

**** OFFICIAL RECORDS ****
BK 1566 PG 1186

interest, claim and demand which the Grantor may have in and to the following described lands in Okaloosa County, Florida, to-wit:

All that tract or parcel of land lying and being in unsectioned Santa Rosa Island, Township 02 South, Range 23 West, Tallahassee Meridian, Okaloosa County, Florida, more particularly described as follows:

Commencing at a concrete monument stamped "CHARLES"; which is on the South side of U.S. Highway No. 98 and 150 feet, more or less, West of the shoreline of the Choctawhatchee Bay and at plane coordinate position North 511,504.81 feet and East 1,362,210.68 feet, based on Lambert Conformal Projection, Florida West Zone;

Thence S 14° 16' E 1,215.1 feet to an iron pin and the POINT OF BEGINNING;

Thence N 06° 04' W 575.0 feet to a monument stamped "AE-A-2";

Thence N 54° 15' W 703 feet, more or less, to an iron pin on the Southern right-of-way line of U. S. Highway No.98;

Thence N 62° 49' E along said right-of-way of said U.S. Highway 98 a distance of 564 feet, more or less, to a point on the mean high tide line of Choctawhatchee Bay;

Thence along the meanders of the mean high tide line of said Bay and subsequently along the mean high tide lines of East Pass and the Gulf of Mexico the following bearings and distances:

S 80° 27' E 70.9 feet;

N 77° 35' E 132.4 feet;

N 70° 34' E 108.0 feet;

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Trustees' Deed No. 28370

EXHIBIT B

**** OFFICIAL RECORDS ****
BK 1566 PG 1187

N 76° 37' E 176.5 feet;
N 83° 38' E 248.0 feet;
S 88° 14' E 252.9 feet;
N 88° 41' E 113.3 feet;
N 76° 18' E 38.7 feet;
S 88° 01' E 136.1 feet;
S 79° 34' E 67.2 feet;
N 88° 27' E 129.1 feet;
N 71° 14' E 150.5 feet;
S 85° 38' E 49.2 feet;
S 49° 31' E 34.7 feet;
S 01° 59' W 33.8 feet;
S 13° 49' E 312.2 feet;
S 27° 45' E 318.2 feet;
S 68° 11' E 37.2 feet;
N 65° 49' E 24.0 feet;
S 40° 25' E 38.5 feet;
S 03° 08' E 318.2 feet;
S 03° 55' E 252.6 feet;
S 10° 45' E 201.4 feet;
S 04° 29' E 249.0 feet;
S 12° 17' E 88.6 feet;
S 28° 53' E 126.6 feet;
S 33° 11' E 168.5 feet;
S 41° 07' E 292.2 feet;
S 33° 54' E 119.2 feet;

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Trustees' Deed No. 28370

EXHIBIT B

**** OFFICIAL RECORDS ****
BK 1566 PG 1188

S 38° 26' E 145.9 feet;
S 29° 34' E 124.1 feet;
S 52° 47' W 22.6 feet;
N 39° 55' W 179.9 feet;
N 64° 49' W 129.9 feet;
N 70° 23' W 107.1 feet;
N 75° 41' W 92.5 feet;
N 81° 19' W 305.9 feet;
N 76° 49' W 248.2 feet;
N 74° 13' W 464.4 feet;
N 69° 24' W 91.1 feet;
N 55° 29' W 59.4 feet;
N 28° 51' W 59.5 feet;
S 75° 42' W 72.9 feet;
N 78° 06' W 77.9 feet;
N 50° 42' W 77.9 feet;
N 80° 29' W 159.7 feet;
N 72° 06' W 120.1 feet;
N 76° 40' W 106.8 feet;

Thence N 37° 04' W 567 feet, more or less, to
the point of beginning.

Containing 90.65 acres, more or less, and
designated as Tract 1341 of Eglin Air Force Base.

Together with any claim the Grantor has to any lands in-
cluded in the above-described tract as may have been created
by natural accretion or dumping of dredge spoil. Further, the
Grantor specifically covenants not to claim any lands abutting

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Trustees' Deed No. 28370

**** OFFICIAL RECORDS ****
BK 1566 PG 1189

such tract that may be created by natural accretion or dumping of dredge spoil in the future. However, the Grantor by this conveyance is not endorsing any dredging activities of the United States, nor is the Grantor waiving compliance by the United States with the Clean Water Act as amended by the Water Quality Act of 1987, Public Law 100-4, in connection with future dredging activities adjacent to the lands hereby conveyed.

Pursuant to Public Law 100-501, the Secretary of the Air Force may take appropriate action to ensure that public access for recreational purposes to the above described property is continued in the manner and to the extent permitted on the date of the enactment of Public Law 100-501.

The above estate is taken subject to existing easements for public roads and highways, public utilities, railroads and pipelines.

TO HAVE AND TO HOLD the above-described premises subject to outstanding easements, reservations and other interests appearing of record.

IN TESTIMONY WHEREOF, the members of the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida have hereunto subscribed their names and have caused the official seal of said Board of Trustees of the Internal Improvement Trust Fund of the State of Florida to be hereunto affixed in the City of Tallahassee, Florida, on this 1st day of August, AD 1990.



GOVERNOR OF THE
STATE

[Handwritten Signature]
Governor

Deed No. 28370

EXHIBIT B

** OFFICIAL RECORDS **
BK 1566 PG 1190

[Signature]

of State
[Signature]

Attorney General

[Signature]

Comptroller

Treasurer
[Signature]

Commissioner of Education

[Signature]

Commissioner of Agriculture

APPROVED AS TO
FORM AND LEGALITY
[Signature]
DNR Attorney date

As and Constituting the Board
of Trustees of the Internal
Improvement Trust Fund of the
State of Florida.

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Trustees' Deed No. 28370



FILE# 1096377
OKALOOSA COUNTY, FLORIDA
RCD: AUG 1 1990 @ 1:52 PM
NEWMAN C BRACKIN, CLERK

19.50

COUNTY OF OKALOOSA, FLORIDA

QUITCLAIM DEED

** OFFICIAL RECORDS **
BK 1566 PG 1191

KNOW ALL MEN BY THESE PRESENTS; That,

THIS DEED, made this 1 day of August, 1970, by Okaloosa County, Florida, party of the first part, and THE UNITED STATES OF AMERICA, party of the second part.

WITNESSETH that the said party of the first part, for and in consideration of the conveyance by the party of the second part of a quitclaim of interest to the STATE OF FLORIDA for the use and benefit of the Okaloosa-Walton Community College to approximately 159.98 acres of land lying and being in Okaloosa County, Florida, does hereby remise, release and quitclaim to the party of the second part, its successors and assigns, forever, the following described land lying and being in Okaloosa County, Florida:

All that tract or parcel of land lying and being in unsectioned Santa Rosa Island, Township 2 South, Range 23 West, Tallahassee Meridian, Okaloosa County, Florida, more particularly described as follows:

Commencing at a concrete monument stamped "CHARLES"; which is on the South side of U. S. Highway No. 98 and 150 feet, more or less, West of the shoreline of Choctawhatchee Bay and at plane coordinate position North 511,504.81 feet and East 1,362,210.68 feet, based on Lambert Conformal Projection, Florida West Zone;

Thence S 14° 16' E 1,215.1 feet to an iron pin and the POINT OF BEGINNING;

Thence N 06° 04' W 575.0 feet to a monument stamped "AE-A-2";

Thence N 54° 15' W 703 feet, more or less, to an iron pin on the Southern right-of-way line of U. S. Highway No. 98;

Thence N 62° 49' E along said right-of-way of said U.S. Highway 98 a distance of 564 feet, more or less, to a point on the mean high tide line of Choctawhatchee Bay;

EXHIBIT B

Thence along the meanders of the mean high tide line of said Bay and subsequently along the mean high tide lines of East Pass and the Gulf of Mexico the following bearings and distances:

S 80° 27' E 70.9 feet;
N 77° 35' E 132.4 feet;
N 70° 34' E 108.0 feet;
N 76° 37' E 176.5 feet;
N 83° 38' E 248.0 feet;
S 88° 14' E 252.9 feet;
N 88° 41' E 113.3 feet;
N 76° 18' E 38.7 feet;
S 88° 01' E 136.1 feet;
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N 65° 49' E 24.0 feet;
S 40° 25' E 38.5 feet;
S 03° 08' E 318.2 feet;
S 03° 55' E 252.6 feet;
S 10° 45' E 201.4 feet;
S 04° 29' E 249.0 feet;

** OFFICIAL RECORDS **
BK 1566 PG 1192

EXHIBIT B

S 12° 17' E 88.6 feet;
 S 28° 53' E 126.6 feet;
 S 33° 11' E 168.5 feet;
 S 41° 07' E 292.2 feet;
 S 33° 54' E 119.2 feet;
 S 38° 26' E 145.9 feet;
 S 29° 34' E 124.1 feet;
 S 52° 47' W 22.6 feet;
 N 39° 55' W 179.9 feet;
 N 64° 49' W 129.9 feet;
 N 70° 23' W 107.1 feet;
 N 75° 41' W 92.5 feet;
 N 81° 19' W 305.9 feet;
 N 76° 49' W 248.2 feet;
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 N 55° 29' W 59.4 feet;
 N 28° 51' W 59.5 feet;
 S 75° 42' W 72.9 feet;
 N 78° 06' W 77.9 feet;
 N 50° 42' W 77.9 feet;
 N 80° 29' W 159.7 feet;
 N 72° 06' W 120.1 feet;
 N 76° 40' W 106.8 feet;

**** OFFICIAL RECORDS ****
BK 1566 PG 1193

Thence N 37° 04' W 567 feet, more or less, to the point of beginning.

Containing 90.65 acres, more or less, and designated as Tract 1341 of Eglin Air Force Base.

** OFFICIAL RECORDS **
BK 1566 PG 1194

Together with any claim the party of the first part has to any lands included in the above-described tract based on natural accretion or dumping of dredge spoil in the past or that may occur in the future.

The above estate is taken subject to existing easements for public roads and highways, public utilities, railroads and pipelines.

IN WITNESS WHEREOF, the said party of the first part has caused these presents to be executed in its name by its Board of County Commissioners acting by the Chairman or Vice Chairman of said board, the day and year aforesaid.

(OFFICIAL SEAL)

OKALOOSA COUNTY, FLORIDA

By its Board of County Commissioners

By: Ferrin Campbell
FERRIN CAMPBELL, JR.

Its: Chairman



FILE# 109637B
OKALOOSA COUNTY, FLORIDA
RCD: AUG 1 1990 @ 1:52 PM
NEWMAN C BRACKIN, CLERK

EXHIBIT C Public Law 100-501
100th Congress

An Act

Oct. 18, 1988
[H.R. 5291]

To provide the Secretary of the Air Force with authority to convey certain land.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Real property. SECTION 1. LAND EXCHANGE, OKALOOSA COUNTY, FLORIDA

(a) **TRANSFER.**—Subject to subsections (b) through (h), the Secretary of the Air Force may convey to the State of Florida all right, title, and interest of the United States in and to four contiguous parcels of real property (and improvements thereon) described as parcels 5 through 8, respectively, in Air Force Final Disposal Directive AF/RED 84-171 and consisting of approximately 156 acres located in Okaloosa County, Florida.

Claims.
Waste disposal.

(b) **CONSIDERATION.**—(1) In consideration for the conveyance by the Secretary under subsection (a), the State of Florida shall convey to the United States all right, title, and interest of such State in and to a tract of real property (and improvements thereon) consisting of approximately 85.8 acres and located south of United States Highway 98 near the west end of the Destin Bridge, Destin, Florida, adjacent to the property of Eglin Air Force Base. Such conveyance shall specifically include any claim of the State of Florida to any lands included in such tract as may have been created by natural accretion or dumping of dredge spoil, and the State shall specifically covenant not to claim any lands abutting such tract that may be created by natural accretion or dumping of dredge spoil in the future.

(2) In addition to the consideration described in paragraph (1), Okaloosa County, Florida, shall convey to the United States all right, title, and interest it may have in the property described in such paragraph, including claims based on natural accretion or dumping of dredge spoil in the past or that may occur in the future.

(c) **CONTINUED PUBLIC ACCESS.**—The Secretary may take appropriate action to ensure that public access for recreational purposes to the property described in subsection (b) is continued in the manner and to the extent permitted on the date of the enactment of this Act.

Highways.
Utilities.

(d) **EXISTING EASEMENTS.**—Existing easements for roads and public utilities may be excepted from any conveyance under this Act, as determined by the Secretary.

(e) **EXACT DESCRIPTION OF LAND.**—The exact acreages and legal descriptions of the real property to be conveyed under this Act shall be determined by surveys which are satisfactory to the Secretary. The cost of any such survey shall be borne by the State of Florida.

(f) **REVERSION FOR NONUSE.**—(1) The Secretary shall, as part of the conveyance of the property described in subsection (a), provide that, at the end of the 10-year period beginning on the date of such conveyance, all of such property not being used for educational purposes at the end of such period shall revert to the United States.

(2) Any property that reverts as described in paragraph (1) shall be transferred to the Department of Agriculture, United States Forest Service, without reimbursement.

(g) **TRANSFER TO NATIONAL PARK SERVICE.**—Any of the land, or land accreting thereto, conveyed to the United States under subsection (b) that the Secretary determines is not needed by any department or other agency of the Department of Defense shall be transferred to the Department of the Interior, National Park Service, without reimbursement, for incorporation into the Gulf Islands National Seashore.

(h) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary may require such additional terms and conditions in connection with the conveyance authorized by subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

Approved October 18, 1988.

LEGISLATIVE HISTORY—H.R. 5291:

CONGRESSIONAL RECORD, Vol. 134 (1988):

Oct. 3, considered and passed House.

Oct. 5, considered and passed Senate.