

## Administration

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**FOR IMMEDIATE RELEASE**

## U.S. Army Corps of Engineers provides Flagler County with initial construction schedule for beach renourishment project

**February 3, 2023** – The U.S. Army Corps of Engineers notified Flagler County officials that its 2.6-mile project “is a go” now that the person holding out on two easements will sign to provide access for the work to be done. An initial timeline was also provided that anticipates work will begin in April 2024.

“This has been a very long time coming, with a tremendous amount of time, energy and dedication by many,” said County Administrator Heidi Petito. “Gratitude and congratulations go to (County Engineer) Faith Alkhatib and (County Attorney) Al Hadeed, as well as their teams, for their perseverance and determination in making this happen. This has definitely been a big lift.”

The Army Corps project consists of the 2.6 miles from the north side of South 6th Street to the south side of South 28th Street. Flagler County has been working diligently to secure access easements of 141 affected parcels. One owner, Cynthia d’Angiolini, would not timely sign easements for her two remnant beach parcels – the final two easements needed for the federal project to begin.

To protect its position in securing the easements, Flagler County intervened in federal bankruptcy proceedings initiated by d’Angiolini. She had not disclosed her remnants as part of her bankruptcy petition, creating a cloud on the title of her remnants that would have complicated the county’s legal pursuit of the easements.

When the county learned of the non-disclosure of the assets, it filed a complaint requesting the bankruptcy court to take control of the remnants for the purpose of conveying them to Flagler County and paying any sums for the benefit of creditors who had been harmed by the non-disclosure. Scott Spradley, a bankruptcy attorney based in Flagler Beach, represented the county as special counsel in the expedited proceedings the county had initiated.

The court convened a preliminary hearing on January 31 in Orlando at which time the court signaled its concern with the concealment of the remnant beach parcels, and its effect on the planned dunes project in Flagler Beach. The Court advised the parties to continue negotiations, recessing the hearing to permit the discussions.

Andy Dance  
District 1

Greg Hansen  
District 2

David Sullivan  
District 3

Leann Pennington  
District 4

Donald O’Brien, Jr.  
District 5

D'Angiolini agreed to sign the easements without any payment of any kind. Flagler County, in turn, would dismiss its bankruptcy filings and d'Angiolini would pay her creditors for the value of the concealed parcels.

To assure that the settlement would occur as expected, the court set a trial date for mid-April. The court indicated that should the trial become necessary it intends to probe into the circumstances of the concealment. Otherwise, the court instructed the attorneys to prepare settlement documents for its review and approval subject to the Flagler County Commission's own approval.

Flagler County will be required to provide written assurances to d'Angiolini about how the project will be completed in a way that protects her views of the ocean. It also requires that if the easement were to be transferred that the successor agency would be obligated to the same standards presented by Flagler County. Additionally, the public is not permitted to cross the remnants to access or exit the beach – as already required by existing law in both Flagler County and the City of Flagler Beach.

“The settlement terms on how the project will be conducted are similar to assurances made by the county to other owners,” said Hadeed, who will make a presentation before the Board of County Commissioners about the settlement and its status at its regular meeting on Monday (9 a.m. February 6).

Under all the beach projects pursued by Flagler County, property owners have never been asked to relinquish any rights which include: to use and enjoy their parcels; to have walkovers (subject to normal permitting requirements); to prohibit the public from traversing their properties to access the beach; and, to sell their parcels. The county has only requested that owners grant permission for the work to be done on their parcels, including allowing agencies to replenish and maintain the dunes with sand and native vegetation.

The Army Corps is reassessing the amount of sand – and costs – necessary to complete the project. A topographical survey of 18 miles was completed last month.

“There are many permitting and planning activities that have to take place between now and April 2024,” Alkhatib said. “We will remain focused to ensure this project is completed. We are glad to have this hurdle behind us.”

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