



# Telegram

NO. WDS.-CL. OF SVC. PD. OR COLL. CASH NO. CHARGE TO THE ACCOUNT OF  
 RX PDF TDSM LONGBOAT KEY FLO DEC 13 216P

OVER NIGHT TELEGRAM  
 UNLESS BOX ABOVE IS CHECKED THIS MESSAGE WILL BE SENT AS A TELEGRAM

*OP Beaches  
 Shore*

Send the following message, subject to the terms on back hereof, which are hereby agreed to

GOV REUBEN ASKEW-- TALLAHASSEE FLO=  
 :LT GOV TOM ADAMS-- "  
 =SECTY OF STATE RICHARD STONE "  
 =ATTY GEN ROBERT L SHEVIN, ATTN MR ETHRIDGE="  
 =THE COMPTROLLER FRED DICKINSON JR="  
 STATE TRES THOMAS D O'MALLEY-" =  
 :COMMR OF EDUCATION FLOYD T CHRISTINA="  
 COMMR OF AGRI DOYLE CONNER="  
 STATE AUDITOR O EARNEST ELLISON JR="=

TRUSTEES OF THE INTERNAL IMPROVEMENT FUND RE. APPLICATION FOR  
 EXPARTE DISCLAIMER 28.2 ACRES NORTH END OF LONGBOAT KEY  
 SCHEDULED FOR TRUSTEES MEETING DEC 14 STOP NOTICE OF THIS  
 AGENDA ITEM RECEIVED BY TELEPHONE 5PM DEC 9 FROM JOHN  
 DUBOSE TO UNDERSIGNED STOP NO NOTICE RECEIVED TODAY BY OTHER  
 PRIVATE UPLAND OWNERS ADJACENT TO APPLICANTS PROPERTY. ON  
 BEHALF OF THE TOWN AND OTHER PARTIES AT INTEREST WE  
 RESPECTFULLY REQUEST 60 TO 90 DAYS POSTPONEMENT OF THE  
 HEARING ON THIS APPLICATION TO PROVIDE ALL PARTIES AT  
 INTEREST AMPLE TIME TO REVIEW PERTINENT DATA AND PRESENT  
 THEIR INTEREST TO THE TRUSTEES=

SAMUEL Y GIBBON MAYOR TOWN OF LONGBOAT KEY=

:MAJ GENERAL HENRY W MCMILLAN, ADJ GEN="  
 JOEL KUPERBERG, DIR OF INTERNAL IMPROVEMENT FUND="

The Cook's

Holiday Lodge

4235 GULF OF MEXICO DRIVE, LONGBOAT KEY, SARASOTA, FLORIDA 33577

TELEPHONE: 813-383-2511

12/29/71

Dear Sam

Out of all the telegrams I sent these are the only ones who replied. If more come in I will forward to you. I thought you might like to have these for your files.

Have to leave for Philly on the morning

Regards  
Jim Cook

HERMAN SCHNEIDER  
754 SPANISH DR  
SARASOTA FL 33577

Longboat Key, 1 Jan. 1972

The Honorable Warren Henderson  
Florida State Senator  
Sarasota, Fla.

Dear Senator:

I am greatly concerned about the possibility that the "Beer Can Island" at the North end of Longboat Key could be given by the State of Florida to a private developer, and I respectfully ask you to please do what you can to prevent such a decision.

The State Government should, in my opinion, not give away public lands which are the property of all the people; but rather should conserve what little is left of the natural beauty of Florida. Especially the beaches which are a major asset of this state, have already been ruined by high rise and other private developments so much that public access is reduced to a ridiculously small remainder. It should be the responsibility of the State Government to defend what is left, in the interest of the people, rather than to use public property for increasing the profit of greedy private interests.

Respectfully yours,



Hermann Schneider

Same letter sent to:  
Governor Askew  
Senators Boyd & Henderson  
representatives Hardee & Gallen

# TOWN OF LONGBOAT KEY FLORIDA



INCORPORATED NOVEMBER 14, 1955

December 31, 1971

Mr. John DuBose, Director  
Land Management Division  
Board of Trustees of the Internal  
Improvement Fund  
Elliot Building  
Tallahassee, Florida 32304

Dear Mr. DuBose:

This will acknowledge receipt of your letter of December 28th. We are arranging a meeting here next week between the representatives of Manatee County Commission and counsel and Longboat Key Town Commission and counsel, to review the Beer Can Island matter.

I will be out of the country on January 25th and would earnestly request that it be put on the February 8th agenda, if this is at all possible.

We will be in touch with you again shortly.

Sincerely,

Samuel Y. Gibbon,  
Mayor

SYG:hhb

cc: Mr. Chris Bentley

*Corp.  
Other  
Jewish  
Lands e  
Rights  
Ben Ch. Israel*

December 30, 1971

Mr. Winfield C. Cook  
4235 Gulf of Mexico Drive  
Longboat Key, Florida

Dear Win:

Thank you for the letters from Shevin and O'Malley's office. I have word from DuBose on the staff that it will be rescheduled for January 25th which certainly doesn't leave us much time and I will be out of the country on that date but will try to see that the Town has representation.

Sincerely,

Samuel Y. Gibbon,  
Mayor

SYG:hhb



*Open  
Paper  
Behind She*

STATE OF FLORIDA  
BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND  
ELLIOT BUILDING — TALLAHASSEE, FLORIDA 32304

Joel Kuperberg  
Executive Director

TELEPHONE 224-2101

January 5, 1972

Honorable Samuel Y. Gibbon, Mayor  
Town of Longboat Key  
Longboat Key, Florida

"Beer Can Island"

Dear Mayor Gibbon:

Reference is made to your letter of December 24, 1971, requesting copies of the material presented to us by Mr. Conrad's representative. This material consists of surveys and aerial photographs. Unfortunately, we do not have extra copies of this material, and it would be difficult to reproduce. However, our file is available in Tallahassee for examination at your convenience.

If you will schedule a meeting between the city and county attorneys, Mr. Conrad's representative and the Trustees' staff attorney as we requested, we may all take that opportunity to exchange all available information so that some action may be taken upon Mr. Conrad's application for a disclaimer.

With best regards, I am

Sincerely,

Chris H. Bentley  
Counsel for Board of Trustees

CHB/db

cc: Robert J. Carr  
L. H. Fortson, Jr.

Reubin O'D. Askew  
Governor

Richard (Dick) Stone  
Secretary of State

Robert L. Shevin  
Attorney General

Fred O. Dickinson, Jr.  
Comptroller

Thomas D. O'Malley  
Treasurer

Floyd T. Christian  
Commissioner of Education

Doyle Conner  
Commissioner of Agriculture

HERMAN SCHNEIDER  
754 SPANISH DR  
SARASOTA FL 33577

Longboat Key, 5 Jan. 1972

Mr. Sam Gibbon  
Major, Longboat Key

Dear Mr. Gibbon:

I want you to know how much I and many others appreciate your fight for public ownership of the "Beer Can Island". Please don't give up!

To support your efforts, I sent the attached letter to the Governor and our Senators and Representatives in the hope that it might do some good.

As far as the history of the island is concerned, I am sure that you thought of examining the older issues of the charts 857 and 1256 of the Coast and Geodetic Survey, and the Quadrangle "Bradenton Beach" of the U S Geological Survey, Map Series 1 : 24 000? They should show the information required.

With my best wishes for success  
sincerely yours,

*Hermann Schneider*

Hermann Schneider

*Buahan Island*

# TOWN OF LONGBOAT KEY FLORIDA

Telephone - 813/383-1717



INCORPORATED NOVEMBER 14, 1955

*Open  
Prop  
Beds & Shores  
(Bea Cant)*

January 6, 1972

U. S. Department of Commerce  
National Oceanic & Atmospheric Administration  
National Ocean Survey  
Rockville, Md. 20852

Gentlemen:

We have been referred to your office by the District Corps of Engineers in Jacksonville, to obtain the following surveys involving Anna Maria Island and Longboat Key.

- Survey of 1883, Document T-1517-A-Scale 1-20,000
- Survey of 1939, Document T-5847 -Scale 1-10,000
- Survey of 1939, Document T-5843 -Scale 1-10,000

We are anxious to obtain copies of these surveys as rapidly as possible as they may provide useful information pertinent to a current request by an individual claiming ownership of an island by accretion hitherto thought to be property of the State of Florida.

Please call me at the above number or at 813/388-3031 if you need anything more from us to expedite this request.

Sincerely,

Samuel Y. Gibbon,  
Mayor

SYG:hbb

*OP Prop  
Beaches & Islands  
Beer Can  
Is.*

Dec. 30, 1971

Mayor Sam Gibbon  
641 Rountree Drive  
Longboat Key, Fla.

Dear Mayor Gibbon:

As a summer vacationer at Longboat of over 20 years and property owner, I have followed with interest the present controversy over title to "Beer Can" Island as reported in the Islander.

My recollection is that the island was an established separate body of land when I first visited the Key, that there was a later buildup of a connecting sand bar that remained above water, that thereafter a hurricane cut through the sand bar, and that since that time there has been a re-emergence of the sand bar above water. If this be true, was the original waterway a tidal pass owned by the State? Would the State become owner of newly emerging land masses in this situation? Possibly the Coastal and Geodetic Survey could provide survey maps of this area to determine the island's original character, the status of the original waterway, and the boundary lines of contiguous land on Longboat. Also, there is a Florida case, Fiesta Properties, Inc. v. Hart, 122 So. 2d 218 (Fla. 1960), which might be helpful.

I believe it would be advantageous to hire a skillful real estate attorney to pursue this matter and recommend the law firm of Fowler, White, Gillen, Humkey & Kinney, Suite 1100 First Federal Bldg., 220 Madison St., Tampa 33602, Tel. Code 813 228-7411, if you have not already done so. If the Town is unable to budget a fee for this purpose, possibly the Citizens' Associations could support the Town by providing such an attorney and solicit donations for the fee from all property owners.

It appears to me that Mr. Conrad or someone else could not obtain a permit to build residences on the island, subject as it is to the vagaries of the sea cutting through the sand bar. So that even if Mr. Conrad should prevail, possibly he could be persuaded to donate the land for public use as a park, to be named after him.

Sincerely yours,

*Ella C. Thomas*  
Ella C. Thomas  
10715 Rock Run Drive  
Potomac, Md. 20854

*Bay View Is.*

# TOWN OF LONGBOAT KEY FLORIDA



INCORPORATED NOVEMBER 14, 1955

January 3, 1972

*Audrey*

Mrs. Ella C. Thomas  
10715 Rock Run Drive  
Potomac, Md. 20854

Dear Mrs. Thomas:

This will acknowledge yours of December 30th regarding the Beer Can Island controversy. Together with the Manatee County Commission, the Longboat Key Town Commission and counsel for both parties, are studying the situation. Mr. Whitesell who is counsel for Longboat Key is familiar with the Fiesta Properties decision but doesn't think it would be useful to our particular case. We have the funds to pursue the matter and will do the best we can.

Mr. Conrad's attorneys seem to have convinced the Staff of the Trustees of the merits of his case. As recently as 1965 James T. Williams, Chief State Land Office Section of the Trustees of the I.I.F. stated in a letter to Mr. Kreg, a Sarasota attorney, in answer to his inquiry that, "I am advised by our Engineering Section that this island is in State ownership as a result of accretion or natural build up, and is not for sale at this time." Because of this letter we were taken aback when we were notified that the Staff of the Trustees was recommending to the Trustees that the State grant an ex parte disclaimer.

The Trustees of course do not have to act favorably on the Staff's recommendation and Mr. Conrad would not be deprived of his rights to seek a title to the property through court proceedings. We hope that the cabinet officers will take this action if we are unable to convince the Staff that there are other interests, public and private, that should be respected.

Sincerely,

SYG:hbb

Samuel Y. Gibbon,  
Mayor

*Open  
Perp  
Bills & Show*



ROBERT L. SHEVIN  
ATTORNEY GENERAL

STATE OF FLORIDA  
DEPARTMENT OF LEGAL AFFAIRS  
OFFICE OF THE ATTORNEY GENERAL  
THE CAPITOL  
TALLAHASSEE, FLORIDA 32304

December 22, 1971

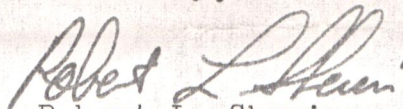
Mr. Winfield C. Cook  
4235 Gulf of Mexico Drive  
Longboat Key, Florida

Dear Mr. Cook:

Thank you for your recent communication concerning the disclaimer with regard to the property in Section 15, Township 35 S, Range 16 E, Manatee County, Florida, or commonly referred to as Beer Can Island. I am glad you brought this matter to my attention and I have requested the Trustees' staff to review the factual situation here and make certain that State land is not involved in any part of the disclaimer. I am glad that the matter was postponed to give the Town of Longboat Key an opportunity to appear, as well as any other interested party.

Thank you for contacting me in this.

Sincerely,

  
Robert L. Shevin  
Attorney General

RLS:ACr

*C. B. ...  
Copy Op ...  
Stacked ...  
Series ...  
Shores*

December 24, 1971

Mr. John DuBose, Director  
Land Management Division  
Board of Trustees of the Internal  
Improvement Trust Fund  
Elliot Building  
Tallahassee, Florida 32304

Dear Mr. DuBose:

Your letter of December 13th reached the Town of Longboat Key on December 16th, two days after the scheduled agenda on the 14th. Regardless of your telephone call to me at 5 P.M. on December 9th, we do not consider that this is adequate notice for a hearing involving the disposition of 28 acres of land within the limits of the Town of Longboat Key and Manatee County.

We are very appreciative of the postponement granted by the staff but would earnestly ask for a longer period of advance notice on future matters of this kind.

Sincerely,

Samuel Y. Gibbon,  
Mayor

SYG:hhb



*Corporation  
Beaches  
&  
Jurisd  
Shores*

STATE OF FLORIDA  
BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND  
ELLIOT BUILDING — TALLAHASSEE, FLORIDA 32304

Joel Kuperberg  
Executive Director

TELEPHONE 224-2101

December 28, 1971

Mayor Samuel Y. Gibbon  
Town of Longboat Key Florida  
Post Office Box 107  
Longboat Key, Florida 33548

Dear Mayor Gibbon:

The staff was under the impression that the officials of the Town of Longboat Key had known that Mr. Conrad was going to make application for a disclaimer covering the accreted lands at the north end of Longboat Key. Since we had not received any correspondence from the Town expressing its views one way or the other, we assumed that there were no problems. This assumption was proven to be incorrect even though our telephone conversation led me to think otherwise.

It is my understanding that Mr. Bentley, staff attorney, has written requesting that interested parties have a meeting on this matter no later than January 21, 1972. It is our present intention to reschedule this matter on January 25, 1972, unless evidence is produced to indicate that further study is needed on this matter.

In any event, you will be notified as to the time this matter will be presented to the Board of Trustees.

Sincerely,

John DuBose, Director  
Land Management Division

JD/1k

cc: Mr. Chris Bentley

Reubin O'D. Askew  
Governor

Richard (Dick) Stone  
Secretary of State

Robert L. Shevin  
Attorney General

Fred O. Dickinson, Jr.  
Comptroller

Thomas D. O'Malley  
Treasurer

Floyd T. Christian  
Commissioner of Education

Doyle Conner  
Commissioner of Agriculture

*Beer Can Island  
Beaches  
Gravid  
Shores*

December 24, 1971

Mr. Chris H. Bentley,  
Counsel for Board of Trustees  
Internal Improvement Trust Fund  
Elliot Building  
Tallahassee, Florida 32304

Dear Mr. Bentley:

Thank you for your letter of December 21st. Next Tuesday, December 28th, I understand the Manatee County Board of Commissioners will discuss their plans with respect to Beer Can Island and on the same date the Longboat Key Town Commissioners are having a regular work session.

As you will appreciate we would like to examine in detail the material prepared by counsel for Mr. Conrad and wonder if you could send us copies of surveys and official documents and list the material which does not lend itself to copying, such as the aerial photos. If this is not feasible we will try to arrange to have someone make the examination in Tallahassee.

Naturally this examination will have to be done before we are prepared to meet with you and Mr. Carr but we have no desire to delay consideration of the matter any longer than is necessary.

Sincerely,

Samuel Y. Gibbon,  
Mayor

SYG:hbb

cc: Mr. Joel Kuperberg  
Mr. L. H. Fortson  
Mr. I. Welch Whitesell, Jr.

(Copy of Mr. Chris H. Bentley's letter  
to Mr. Fortson and Mr. Whitesell)

*Copy of  
other  
of  
Beaches  
There*

December 24, 1971

Mr. Joel Kuperberg, Executive Director  
Board of Trustees of the Internal  
Improvement Trust Fund  
Elliot Building  
Tallahassee, Florida 32304

Dear Mr. Kuperberg:

Thank you for your thoughtful and detailed letter of December 15th. I have a letter today from Mr. Bentley and enclose a copy of my answer to him.

With specific reference to your discussion of the problem, you mentioned that any dedication of of "Long Beach" has not been discovered. The plat as you may have noted extends all the way around the northwestern corner of the Island to Joyce Street. I realize that erosion did take place on the western shore but was unaware that there was any evidence that the northern portion from Joyce Street west, constituting Block 39, had in fact eroded upland of the lot boundaries. This is one of the matters that we would like to examine in the material furnished you by Mr. Conrad's counsel.

I have asked Mr. Bentley if he could let us have copies of the documentary material and send us a list of the supporting evidence that does not lend itself to being reproduced, such as the aerial photos. If it cannot be done we will of course, examine the material there. Thank you for your courtesy in giving us a little time to examine the material in more detail.

Season's Greetings.

Sincerely,

Samuel Y. Gibbon,  
Mayor

SYG:hbb

cc: Mr. L. H. Fortson  
Mr. I. Welch Whitesell, Jr.

(Copy of Mr. Kuperberg's letter to Mr. Fortson and Mr. Whitesell)



STATE OF FLORIDA  
BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND  
ELLIOT BUILDING — TALLAHASSEE, FLORIDA 32304

Joel Kuperberg  
Executive Director

TELEPHONE 224-2101

December 21, 1971

Honorable Samuel Y. Gibbon, Mayor  
Town of Longboat Key  
Longboat Key, Florida

"Beer Can Island"

Dear Mr. Gibbon:

Your presentation of Longboat Key's position in regard to "Beer Can Island" was greatly appreciated. The subject item will not be placed back on the agenda immediately.

It will be appreciated if the County and City will set a date within the next thirty days for a meeting between their counsel and Trustees' counsel and Mr. Carr. At that time, any new information can be presented and perhaps, subsequent to that meeting, the item can be placed on the agenda for consideration by the Board of Trustees.

Please be assured that our research of the problem is continuing and that we look forward to receiving any new information which you may discover on the matter.

Sincerely,

A handwritten signature in cursive script that reads "Chris H. Bentley".

Chris H. Bentley  
Counsel for Board of Trustees

CHB/db

cc: Robert J. Carr

Reubin O'D. Askew  
Governor

Richard (Dick) Stone  
Secretary of State

Robert L. Shevin  
Attorney General

Fred O. Dickinson, Jr.  
Comptroller

Thomas D. O'Malley  
Treasurer

Floyd T. Christian  
Commissioner of Education

Doyle Conner  
Commissioner of Agriculture



## Secretary of State

STATE OF FLORIDA  
THE CAPITOL  
TALLAHASSEE 32304

*Op  
Beach  
Shares*

**RICHARD (DICK) STONE**  
SECRETARY OF STATE

December 21, 1971

Mr. Ted Sperling, President  
Save-Our-Bays  
St. Armands Circle  
Sarasota, Florida

Dear Mr. Sperling:

Thank you for making me aware of your concern over the proposed issuance of a disclaimer of ownership of "Beer Can Island," Longboat Key, Florida, by the Trustees of the Internal Improvement Trust Fund.

As you may know, this item was to be considered at the December 14th Cabinet Meeting, but was withdrawn from the agenda for further study. You may be assured that the matter will be carefully considered before any final action is taken.

Warmest regards.

Most cordially,

*Dick Stone*

Richard (Dick) Stone

RDS/kkw

Wm

2.13.72

My dear Mayor GIBSON and Councilmen:

What, exactly, will happen to all of us who moved here because we loved these Keys the way they were, if these concrete-minded people take away <sup>illegally</sup> our sands, beaches, clean water, for fish and swimming; boating; and for our children, and the good guests from out-of-town.

The over-flow of optimistic visitors, numbers from "aboard-over," already has Coquina Beach, much in need of all shore-line our County & State can offer. Beaching daily - and to Beer Can Island; with Girl Scout Cadettes, who ~~wish to~~ are working on a Troop movement #29, to pick up trash. Do you and yours wish another "cement, dusty, trashy, Miami Beach boardwalk, where you can't see the sea for ~~trash~~ <sup>trash</sup> ~~hand~~ <sup>hand</sup> ~~fun~~ <sup>fun</sup>, & flying TRASH? Let's keep Beer Can Island and its present beauties for us!!

Thank you - Sincerely  
(Wm) Suzanne Zahniser

TOWN OF LONGBOAT KEY FLORIDA



INCORPORATED NOVEMBER 14, 1955

*CoOp:  
offprop  
Beach  
Shore*

February 17, 1972

Mrs. G. Brown Zahniser  
114 Beach Ave.  
Anna Maria, Florida 33501

Dear Mrs. Zahniser:

Thank you for your letter of February 13th. Longboat Key Town Commissioners are in entire agreement with you as to the desirability of keeping Beer Can Island in its natural state and its use by the public.

We are doing everything within our means to accomplish this.

Sincerely,

Samuel Y. Gibbon,  
Mayor

SYG:hhb



STATE OF FLORIDA  
BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND  
ELLIOT BUILDING — TALLAHASSEE, FLORIDA 32304

Joel Kuperberg  
Executive Director

TELEPHONE 224-2101

December 28, 1971

Mayor Samuel Y. Gibbon  
Town of Longboat Key Florida  
Post Office Box 107  
Longboat Key, Florida 33548

Dear Mayor Gibbon:

The staff was under the impression that the officials of the Town of Longboat Key had known that Mr. Conrad was going to make application for a disclaimer covering the accreted lands at the north end of Longboat Key. Since we had not received any correspondence from the Town expressing its views one way or the other, we assumed that there were no problems. This assumption was proven to be incorrect even though our telephone conversation led me to think otherwise.

It is my understanding that Mr. Bentley, staff attorney, has written requesting that interested parties have a meeting on this matter no later than January 21, 1972. It is our present intention to reschedule this matter on January 25, 1972, unless evidence is produced to indicate that further study is needed on this matter.

In any event, you will be notified as to the time this matter will be presented to the Board of Trustees.

Sincerely,

A handwritten signature in cursive script, appearing to read "John DuBose".

John DuBose, Director  
Land Management Division

JD/lk

cc: Mr. Chris Bentley

Reubin O'D. Askew  
Governor

Richard (Dick) Stone  
Secretary of State

Robert L. Shevin  
Attorney General

Fred O. Dickinson, Jr.  
Comptroller

Thomas D. O'Malley  
Treasurer

Floyd T. Christian  
Commissioner of Education

Doyle Conner  
Commissioner of Agriculture

TOWN OF LONGBOAT KEY FLORIDA



INCORPORATED NOVEMBER 14, 1955

*Coop.  
of Prop.  
Beach  
Shore*

February 17, 1972

Mrs. G. Brown Zahniser  
114 Beach Ave.  
Anna Maria, Florida 33501

Dear Mrs. Zahniser:

Thank you for your letter of February 13th. Longboat Key Town Commissioners are in entire agreement with you as to the desirability of keeping Beer Can Island in its natural state and its use by the public.

We are doing everything within our means to accomplish this.

Sincerely,

Samuel Y. Gibbon,  
Mayor

SYG:hhb

*Thomas D. O'Malley*

STATE TREASURER  
INSURANCE COMMISSIONER  
FIRE MARSHAL



*Office of Treasurer*

*Insurance Commissioner*

STATE OF FLORIDA

TALLAHASSEE 32304

December 16, 1971

Mr. Winfield C. Cook  
4235 Gulf of Mexico Drive  
Sarasota, Florida

Dear Mr. Cook:

This will acknowledge your telegram of recent date with reference to the Longboat Key item.

Treasurer O'Malley deferred this item for study, and it has now been further delayed at the request of other interested parties.

Please advise if we may be of assistance.

Very truly yours,

Jack D. Kane  
Executive Assistant

JDK:lc



STATE OF FLORIDA

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

ELLIOT BUILDING — TALLAHASSEE, FLORIDA 32304

Joel Kuperberg  
Executive Director

TELEPHONE 224-2101

December 15, 1971

Honorable Samuel Y. Gibbon  
Mayor  
Town of Longboat Key  
Longboat, Florida

Dear Mayor Gibbon:

Thank you for your letter of December 13, 1971 concerning the application for disclaimer regarding "Beer Can Island" Longboat Key. The item was deferred, at the request of the Treasurer, for one week. This solved the immediate problem.

Trustees' staff is willing to further withhold the item from the agenda, pending resolution of the questions which have been raised on behalf of the Town of Longboat Key, et al. I would suggest, however, that we arrange a meeting between the Town's legal counsel, other interested parties and Trustees' staff counsel at the earliest possible time in order that we may determine the need to develop further information in this matter.

I will review for you very quickly the facts as they are known to us. An old subdivision plat (at the north end of Longboat Key) described, beyond the lot boundaries, an area shown as "Long Beach". Trustees' staff was able to find no public dedication of this beach in the public record. Subsequent to the platting, erosion occurred allowing mean high tide to cover that portion of the plat described as Long Beach. The facts suggest that, had the public any interest in Long Beach, it was lost at the time that this erosion occurred.

For the past score of years natural accretion of the eroded area has occurred, now extending far beyond the shoreline at the time the aforementioned subdivision was platted. This accretion attaches to the riparian ownership and appears well documented in a series of aerial photographs. The facts would argue that it is thus in private ownership.

Reubin O'D. Askew  
Governor

Richard (Dick) Stone  
Secretary of State

Robert L. Shevin  
Attorney General

Fred O. Dickinson, Jr.  
Comptroller

Thomas D. O'Malley  
Treasurer

Floyd T. Christian  
Commissioner of Education

Doyle Conner  
Commissioner of Agriculture

Honorable Samuel Y. Gibbon  
Page Two  
December 15, 1971

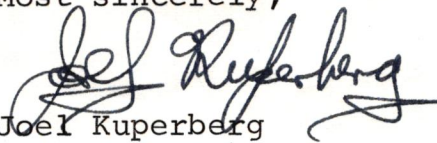
"Beer Can Island" is the severed tip of this accretion. Regardless of which storm caused this severance, the island would remain in the same ownership whether connected or unconnected to the balance of the accreted area.

These are the facts as we know them. Based on this information we do not feel that we can do other than grant the disclaimer requested of the state. Such a disclaimer would not damage whatever rights other landowners might have.

In light of the information available to us, I suggest that at an early time your attorney meet with our attorney in order that a decision may be made in this matter. If there are relevant facts unknown to us regarding this land, we would be pleased to accept them and review our position in such light.

With all good wishes, I am

Most sincerely,

  
Joel Kuperberg  
Executive Director

JK/mb

cc: Mr. John Dent

December 15, 1971

TELEGRAM

Mr. Jack D. Kane  
Office of State Treasurer  
Capital Building  
Tallahassee, Florida

Please thank Treasurer O'Malley for postponement of consideration of Longboat Key Island for one week. The undersigned with Chairman Fortson, Manatee County Commission visiting Trustees' staff on Monday, December 20th.

Samual Y. Gibbon,  
Mayor  
Town of Longboat Key

Charge - 388-3031



STATE OF FLORIDA  
BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND  
ELLIOT BUILDING — TALLAHASSEE, FLORIDA 32304

Joel Kuperberg  
Executive Director

TELEPHONE 224-2101

*Rec'd 12/16/71  
Agenda 12/14/71*

December 13, 1971

Honorable Samuel Y. Gibbon  
Mayor, Town of Longboat Key  
Longboat Key, Florida

Dear Mayor Gibbon:

This will confirm our telephone conversation relative to the application for an ex-parte disclaimer to land accreted to the north end of Longboat Key.

The staff has reviewed this application over the past few months and has not been able to determine that the facts presented to you by Mr. Robert Carr were incorrect.

Sincerely,

A handwritten signature in cursive script that reads "John DuBose".

John DuBose, Director  
Land Management Division

JD/mp

cc: Mr. Jim Etheridge

Reubin O'D. Askew  
Governor

Richard (Dick) Stone  
Secretary of State

Robert L. Shevin  
Attorney General

Fred O. Dickinson, Jr.  
Comptroller

Thomas D. O'Malley  
Treasurer

Floyd T. Christian  
Commissioner of Education

Doyle Conner  
Commissioner of Agriculture

*Prop  
Beaches  
&  
Shores*

December 13, 1971

Professor William E. Carr  
Bartram Hall, Room #301  
Museum Drive  
University of Florida  
Gainesville, Florida

Dear Mr. Carr:

Enclosed please find check to your order for \$125.00 to cover your expense allowance for the consultation trip to Longboat Key. By now you will have received a letter from William C. Strode who will act for the Town examining witnesses at the hearing on January 13, 1972.

Mr. James Logan of 548 Hornblower Lane (telephone 388-1000) has kindly offered the use of his boat for your inspection trip up and down the Bay side of the Key. Mr. Fletcher, one of our Town Commissioners, will arrange to have you picked up at the Ponderosa at 8:45 in the morning to take you to Mr. Logan's place.

Yesterday I explored the northeastern shore on the eastern side of Buttonwood Hook in my small whaler with one other passenger. We determined that it was not feasible to go up the inlet to the lake that shows on the aerial map and is marked as being seaward of the mean high water line. For this reason I am planning to have Mr. Logan take you to the northern end of the Key and on the way back to drop you at my house where I will have the whaler available for close in-shore inspection of the Key from Buttonwood Harbor south.

I am writing in some detail as I will be in Baltimore on Thursday and Friday, arriving late at night in Sarasota and there is always the possibility of adverse weather holding me up. Mr. Strode will advise you what he would like you to observe and Mr. Fletcher (telephone 388-1401) will handle the arrangements if I am not on hand.

Professor William E. Carr  
December 13, 1971  
Page 2

A flight has been arranged with J & J Aircraft, Inc.  
at the Sarasota-Bradenton Airport at 4 P.M. takeoff  
time for an over-flight of Longboat Key, lasting not  
more than one hour.

Looking forward to seeing you.

Sincerely,

SYG:hhb

Samuel Y. Gibbon,  
Mayor

December 13, 1971

Mr. Joel Kuperberg,  
Executive Director  
Florida Internal Improvement Trust Fund  
Elliot Building  
Tallahassee, Florida 32304

Re: Application for disclaimer  
"Beer Can Island" Longboat Key

Dear Mr. Kuperberg:

Thank you very much for your very cooperative attitude on the telephone and your promise to remove this item from the agenda on Tuesday but trust that the other upland owners and the Town be given ample time to review the matter, say sixty to ninety days.

For your further information I enclose a copy of letter from Director Ferguson dated December 20, 1962 to Mr. Scholfield then Town Manager of Longboat Key. You will note in the first paragraph that this letter refers to a letter from Scholfield on July 29, 1960, stating that a "break through" had occurred. This is at variance with the December 14th agenda item which implies that Hurricane Donna passing inland of Longboat Pass on September 10, 1960 was responsible for the break through. This would contradict the theory that the break through was avulsive in character instead of being the result of erosion. This would appear to be a fairly important point in consideration of the rights of all parties and more thorough review would appear to be indicated.

In addition to this letter from Mr. Ferguson in 1962, James T. Williams, Chief of the State Land Office Section, wrote under date of October 15, 1965 to Mr. William M. Kreag of Sarasota, that "This island is under State ownership as a result of accretion or natural build up and is not for sale at this time."

On December 10, 1970 Fred Vidzes wrote implying that the State of Florida still had title but would consider an

Mr. Joel Kuperberg  
December 13, 1971  
Page 2

application by the Town of Longboat Key for use of the  
Island as a recreational area.

It would be greatly appreciated if your staff could  
routinely notify adjacent property owners and the Town  
of any items on the agenda affecting property lying within  
the Town limits. We believe this could be a routine policy  
not limited to dredge and fill applications.

Sincerely,

Samuel Y. Gibbon,  
Mayor

SYG:hhb

Enclosure

December 13, 1971

Mr. James P. Etheridge, Jr.  
State of Florida  
Department of Legal Affairs  
Office of the Attorney General  
Tallahassee, Florida

Dear Jim:

I am enclosing copy of my letter to Joel Kuperberg which I hope is self-explanatory.

It is interesting to me that the theory of avulsion as a result of the action of Hurricane Donna on September 10, 1960 which the applicant suggests is supported by the photographs dated September 13, 1960, is certainly a false one in view of Mr. Scholfield's letter of July 29, 1960, that a break through had occurred (obviously prior to that date).

Thanks again for your interest in keeping all of us informed.

Sincerely,

Samuel Y. Gibbon,  
Mayor

SYG:hhb

Enclosure

2:05

958-1101

Tampa 223-3911

TELEGRAM

December 13, 1971

TRUSTEES OF THE INTERNAL IMPROVEMENT FUND

Re Application for ex parte disclaimer 28.2 acres north end of Longboat Key scheduled for Trustees meeting December 14 stop Notice of this agenda item received by telephone five P M December ninth from John Dubose to undersigned stop No notice received to date by other private upland owners adjacent to applicant's property stop On behalf of the Town and other parties at interest we respectfully request sixty to ninety days postponement of the hearing on this application to provide all parties at interest ample time to review pertinent data and present their interests to the Trustees.

Samuel Y. Gibbon,  
Mayor  
Town of Longboat Key

2:05 P.M.

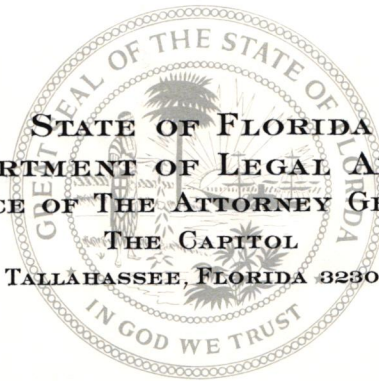
Joel Kuperberg, Director Internal Improvement Fund, Chief of Staff  
Shevin, Attorney General Atten: Mr. Ethridge

All Cabinet Officers:  
Governor, Reuben Askew,  
Lt. Governor, Tom Adams  
Secy of State, Richard Stone  
Atty General, Robert L. Shevin, Atten: Mr. Ethridge  
State Comptroller, Fred O. Dickinson, Jr.  
State Treasurer, Thomas D. O'Malley  
Commissioner of Education, Floyd T. Christian  
Commissioner of Agriculture, Doyle Conner  
State Auditor, O. Ernest Ellison, Jr.  
Adjutant General, Major General Henry W. McMillan



ROBERT L. SHEVIN  
ATTORNEY GENERAL

STATE OF FLORIDA  
DEPARTMENT OF LEGAL AFFAIRS  
OFFICE OF THE ATTORNEY GENERAL  
THE CAPITOL  
TALLAHASSEE, FLORIDA 32304



December 9, 1971

AIRMAIL SPECIAL DELIVERY

Honorable Samuel Y. Gibbon  
Mayor, Longboat Key  
Office of the Mayor  
Longboat Key, Florida

Dear Mayor Gibbon:

Attached is a copy of an I. I. Trustees' agenda item which will be considered Tuesday, December 14, at the regular Cabinet meeting in Senate Room 31 at 10:00 a.m.

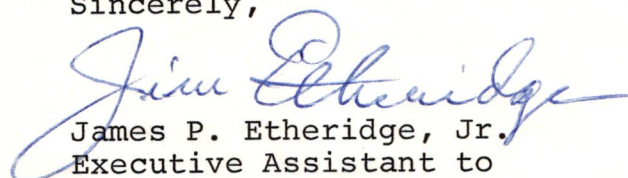
I asked the Trustees' staff to be sure to notify you and other local governmental officials; and attorneys for the applicant told the Cabinet staff meeting that "this has been discussed with officials of the Town of Longboat Key."

Attorney General Shevin will not be able to attend this meeting Tuesday because he will be hosting a convention of the National Association of Attorneys General meeting at Miami Beach. However, he could request postponement for a week or two ~~of~~ consideration of this item if you or other citizens had any questions or additional information that the Governor and Cabinet should have before acting on this matter.

If I am not able to reach you by phone as I have been trying to do all morning, I wanted you to be aware of the item so that you may contact me or the Trustees' staff directly before this matter is acted upon Tuesday.

Thank you and best personal regards.

Sincerely,

  
James P. Etheridge, Jr.  
Executive Assistant to

Attorney General Robert L. Shevin

JPE/mh

Attachment

MANATEE COUNTY - Application for ex parte disclaimer  
File No. 2429-41-253.03  
28.2 acres

Staff description: A parcel of accreted land abutting Block 39, Longbeach Subdivision, Government Lots 3 and 5, Section 15, Township 35 South, Range 16 East, Manatee County

A. CITY AND COUNTY: Town of Longboat Key, Manatee County

B. APPLICANT: Longbeach, Inc.

C. APPLICANT'S REPRESENTATIVE: John C. Dent, Jr., P. A.  
1834 Main Street, Sarasota, Florida 33577

D. ACREAGE: Not applicable

E. APPRAISAL: Not applicable

F. PURPOSE: Not applicable

G. BIOLOGICAL REPORT: Not applicable

H. STAFF REMARKS: Applicant has submitted supporting documents and a series of aerial photographs of the north end of Longboat Key covering the area. The photographs are dated from about 1940 to 1970. The photographs indicate accretion from 1940 through May 22, 1959. Photographs dated September 13, 1960, show the accreted lands separated from the key by a secondary channel. Later photos picture a gradual closing of the secondary channel with complete closure by September 20, 1966.

Records indicate that Hurricane Donna was inland of Longboat Pass, on a northerly course, on the evening or night of September 10, 1960.

Staff legal counsel examined a copy of plat of the subdivision of Longbeach filed for record in Manatee County, March 12, 1927, and feels that the public does not have a dedicated beach by the terms of the plat.

Recommend issuance of disclaimer.

OP  
Prop  
Beaches  
Share

June 30, 1971

Mr Homer Greer  
Box 166  
Longboat Key, Florida 33548

Dear Homer

Thanks for the copies of the two letters regarding the ownership of Beer Can Island. I have sent copies to Town Counsel for his information. Nothing I have seen yet concerning Beer Can Island appears to be definitive in any direction.

Sincerely

Samuel Y Gibbon  
Mayor

SYG gf

Town

350 NORTH SHORE DRIVE



Curlew Cove

Box 166  
LONGBOAT KEY • FLORIDA, 33548

6/25/71

Dear Sam:

Enclosed you will please  
find copies of the two letters  
regarding the so called island  
in front of our house.

Homer T. Greer

STATE OF FLORIDA



HAYDON BURNS, Governor  
FRED O. DICKINSON, JR., Comptroller  
BROWARD WILLIAMS, Treasurer  
EARL FAIRCLOTH, Attorney General  
DOYLE CONNER, Commissioner of Agriculture

TRUSTEES OF THE  
INTERNAL IMPROVEMENT FUND

ROBERT C. PARKER, Director  
ELLIOT BUILDING  
TALLAHASSEE, FLORIDA 32304  
PHONE 224-2101

October 15, 1965

Mr. William M. Kreg  
Attorney at Law  
P. O. Box 2867  
Sarasota, Florida 33578

Dear Mr. Kreag:

Small island in Section 15, Township  
35 South, Range 16 East, Manatee  
County, Florida.

This will acknowledge receipt of your letter dated October  
12, 1965, inquiring about a certain island located in Section 15  
and as indicated on the sketch attached to your letter.

I am advised by our Engineering Section that this island is  
in State ownership as a result of accretion or natural build up,  
and is not for sale at this time.

Yours very truly,

A handwritten signature in cursive script that reads "James T. Williams".  
James T. Williams, Chief  
State Land Office Section

JTW/s

**WILLIAM M. KREAG**

ATTORNEY AT LAW

SUITE 7

200 S. WASHINGTON BLVD.

SARASOTA, FLORIDA

TELEPHONE

AREA CODE 813

958-4409

MAILING ADDRESS:

P. O. BOX 2867

SARASOTA, FLORIDA

ZIP CODE 33578

October 18, 1965

AIR MAIL

Mr. Homer D. Greer  
2508 S. Justen Road  
McHenry, Illinois

Re: Small island in Sec. 15, T. 35 S., R 16 E  
Manatee County, Fla.

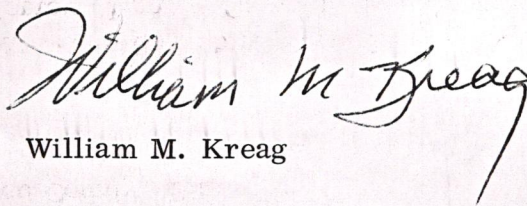
Dear Mr. Greer:

We have personally checked the Public Records of Manatee County, and thereafter sought the aid of Bradenton Abstract Company to determine the ownership of the above island that you requested us to look into. We further checked with the U. S. Corp of Engineers and with Trustees of the Internal Improvement Fund of the State of Florida, and in none of the above approaches were we able to find a record title owner of the said island, except that the State of Florida through its Internal Improvement Fund claims title to the said land.

I have attached a letter indicating the claim of the State of Florida.

I have attached my bill for services rendered in relation to this matter.

Sincerely yours,



William M. Kreag

WMK:tl  
encls.

SMALLY, WELLFORD & NALVEN

*Work session*  
CONSULTING ENGINEERS

133 S. McIntosh Road

Mail: P. O. Box 4069, Sarasota, Florida 33578

Phone 958-6671

*FILE*

October 21, 1970

Mr. G. Maxwell Lanier  
Town Manager  
Town of Longboat Key  
5144 Gulf of Mexico Drive  
Longboat Key, Florida

Subject: "Beer Can" Island

Our Ref: 55-6

Dear Mr. <sup>*Max*</sup>~~Lanier~~:

In accordance with your recent request for copies of correspondence on "Beer Can" Island, attached is a photocopy of our letter to Mr. Gibbon dated February 23, 1970. The only other correspondence we have in our file is a copy of a letter to Mr. Gibbon from Mr. Whitesell dated November 21, 1969 concerning the dedication of this island. A copy of this letter is attached for your convenient reference.

No survey was made.

Yours very truly,

SMALLY, WELLFORD & NALVEN  
Consulting Engineers



Donald J. Smally, P.E.

DJS/pf  
Encls.

SMALLY, WELLFORD & NALVEN

CONSULTING ENGINEERS

133 S. McIntosh Road

Mail: P. O. Box 4069, Sarasota, Florida 33578

Phone 958-6671

February 23, 1970

Mr. Samuel Y. Gibbon  
Mayor  
Town of Longboat Key  
10 South Adams Drive  
Sarasota, Florida

Subject: "Beer Can" Island, Manatee County

Our Ref: 55-6

Dear Sam:

In accordance with our discussion of sometime ago, we have checked the elevation of the land connecting Beer Can Island to the main part of Longboat Key. We have determined that it is above mean sea level and is therefore not an island but is instead an extension of Longboat Key.

I think Welch Whitesell will agree with me that in the event this is not an island, there may be some question as to ownership.

Let us know if you wish to discuss this matter further.

Yours very truly,

SMALLY, WELLFORD & NALVEN  
Consulting Engineers



Donald J. Smally, P.E.

DJS/pf

cc: Mr. I. Welch Whitesell, Jr.  
Mr. G. M. Lanier, Town Manager

February 23, 1970

Mr. Samuel Y. Gibbon  
Mayor  
Town of Longboat Key  
10 South Adams Drive  
Sarasota, Florida

Subject: "Beer Can" Island, Manatee County

Our Ref: 55-6

Dear Sam:

In accordance with our discussion of sometime ago, we have checked the elevation of the land connecting Beer Can Island to the main part of Longboat Key. We have determined that it is above mean sea level and is therefore not an island but is instead an extension of Longboat Key.

I think Welch Whitesell will agree with me that in the event this is not an island, there may be some question as to ownership.

Let us know if you wish to discuss this matter further.

Yours very truly,

SMALLY, WELLFORD & NALVEN  
Consulting Engineers



Donald J. Smally, P.E.

DJS/pf

cc: Mr. I. Welch Whitesell, Jr.  
Mr. G. M. Lanier, Town Manager

WOOD, SCHEB, WHITESELL, DRYMON & WARREN

ATTORNEYS AT LAW

2187 SIESTA DRIVE

P.O. BOX 15425

SARASOTA, FLORIDA 33579

PHONE 958-1143

JOHN R. WOOD  
JOHN M. SCHEB  
I. W. WHITESELL, JR.  
JAMES J. DRYMON  
R. EARL WARREN  
JOHN T. BERTEAU

166 McCALL ROAD  
P.O. BOX 127  
ENGLEWOOD, FLORIDA 33531  
PHONE 474-3241

*Open  
Prop. with  
Bank & Show*

November 21, 1969

Mr. Samuel Y. Gibbon, Mayor  
Town of Longboat Key  
641 Roundtree Drive  
Longboat Key, Florida

Re: "Beer Can" Island, Manatee County

Dear Mayor Gibbon:

Please find enclosed copy of letter from Fred Vidzes, Director Land Management Division, Board of Trustees of the Internal Improvement Trust Fund, together with a copy of the Trustees Administrative Rules and Regulations #200-2.061.

Assuming that the Town wishes to obtain a dedication of Beer Can Island for public purposes, it is suggested that the Town Engineer be requested to prepare a survey in compliance with paragraphs 3 and 8. The survey should show the upland property and so designated in compliance with paragraph 4 in order that we may obtain the necessary certificate of apparent ownership from the title company, in addition to a certified copy of the plat of any subdivision within the area abutting Beer Can Island.

Upon receipt of this information I will proceed to obtain the information requested in Paragraph 2, 4 and to prepare the resolution required in paragraph 1.

It would also be helpful if Don Smally could furnish us with a copy of the print showing the location of the bulkhead line within the area.

If you have any questions concerning this acquisition, do not hesitate to call.

Very truly yours,

  
I. W. Whitesell, Jr.

IWWjr:mw

Encl.



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

ELLIOT BUILDING  
TALLAHASSEE, FLORIDA 32304

JAMES W. APTHORP  
EXECUTIVE DIRECTOR  
PHONE 224-2101

CLAUDE R. KIRK, JR.,  
GOVERNOR  
TOM ADAMS,  
SECRETARY OF STATE  
EARL FAIRCLOTH,  
ATTORNEY GENERAL  
FRED C. DICKINSON, JR.,  
COMPTROLLER  
BROWARD WILLIAMS,  
TREASURER  
FLOYD T. CHRISTIAN,  
COMMISSIONER OF EDUCATION  
DOYLE CONNER,  
COMMISSIONER OF AGRICULTURE

November 13, 1969

Mr. I. W. Whitesell, Jr.  
Wood, Scheb, Whitesell, Drymon  
and Warren  
P. O. Box 15425  
Sarasota, Florida 33579

Dear Mr. Whitesell:

"Beer Can" Island, Manatee County

Please accept our apologies for the delay in responding to your letter of September 26 relative to the Town of Longboat Key desiring to acquire "Beer Can" Island.

A copy of Trustees Administrative Rules and Regulations, Rule No. 200-2.061, is enclosed that will provide information as to the manner in which an application may be filed to acquire the subject land.

Sincerely,

Fred Vidzes, Director  
Land Management Division

FV/t

Enc.

**WILLIAM M. KREAG**

ATTORNEY AT LAW

SUITE 7

200 S. WASHINGTON BLVD.

SARASOTA, FLORIDA

*Beer Can*

TELEPHONE

AREA CODE 813

958-4409

MAILING ADDRESS:

P. O. BOX 2867

SARASOTA, FLORIDA

ZIP CODE 33578

October 18, 1965

AIR MAIL

Mr. Homer D. Greer  
2508 S. Justen Road  
McHenry, Illinois

Re: Small island in Sec. 15, T. 35 S., R 16 E  
Manatee County, Fla.

Dear Mr. Greer:

We have personally checked the Public Records of Manatee County, and thereafter sought the aid of Bradenton Abstract Company to determine the ownership of the above island that you requested us to look into. We further checked with the U. S. Corp of Engineers and with Trustees of the Internal Improvement Fund of the State of Florida, and in none of the above approaches were we able to find a record title owner of the said island, except that the State of Florida through its Internal Improvement Fund claims title to the said land.

I have attached a letter indicating the claim of the State of Florida.

I have attached my bill for services rendered in relation to this matter.

Sincerely yours,

*William M Kreag*  
William M. Kreag

WMK:tl  
encls.

Tallahassee, Florida

December 20, 1962

ELLIOT BUILDING  
PHONE 224-2101

*Bar Can*

Mr C H Scholfield  
Town Manager  
Longboat Key, Florida

Dear Mr Scholfield:

Re: "Accretion" at Northerly end of Longboat  
Key, Manatee County

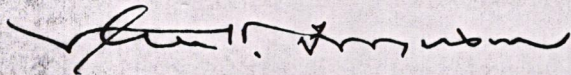
Referring to your letter of December 13, the City's bulkhead line, fixed May 12, 1958, was approved by the Trustees September 23, 1958, and the map filed here shows the bulkhead line included a "finger" of irregular shape within the bulkhead line for the main island. Certificate of approval of this bulkhead line was mailed to Mrs Lucille M Lundblad, Mayor, September 29, 1958. On July 29, 1960 you wrote that a "break-through" had occurred and we were not able to state whether the extension was a natural, gradual accretion to the private upland or had emerged offshore and gradually joined to the upland or was connected by filling. We have no information as to whether the break of 1960 has closed nor whether the mass has changed its shape or now extends outside the bulkhead line.

The establishment of the bulkhead line around this end of Longboat Key, with the finger included, would make the area within the bulkhead line subject to sale only to the riparian owner. Your letter of July 29, 1960, indicated that the finger was claimed by the riparian owner but we cannot evaluate his claim without documentary proof as to whether the parcel was natural, gradual, imperceptible accretion which extended the upland.

Your letter of December 13 was reviewed with the office of the Attorney General but the information we have is not sufficient to define the legal status of the finger

except to state such portion within the bulkhead line, if not natural accretion, would be subject to purchase only by the riparian owner. If it is found to be natural accretion then the same enures to the riparian upland owner. Without more data it was not practicable to answer the question as to the status of the bulkhead line in submerged areas which may have become exposed land by shifting or enlargement of the mass. This office would be inclined to feel that, if the change appears reasonably permanent, the bulkhead line might be considered vacated by nature to the extent that the line is now across land exposed at mean high tide. The bulkhead line would not migrate with changes in the mean high water line.

Sincerely yours,



VAN H FERGUSON  
Director

VHF:r



VAN H. FERGUSON  
DIRECTOR

TRUSTEES OF THE  
**INTERNAL IMPROVEMENT FUND**  
OF THE STATE OF FLORIDA

LEROY COLLINS, GOVERNOR  
RAY E. GREEN, COMPTROLLER  
J. EDWIN LARSON, TREASURER  
RICHARD W. ERVIN, ATTORNEY GENERAL  
LEE THOMPSON,  
COMMISSIONER OF AGRICULTURE

*Tallahassee, Florida*

August 16, 1960

*Copy to Legation  
Submittal with  
sent Sept. 24, 1960*

Mr C H Scholfield, Manager  
Town of Longboat Key  
Longboat Key, Florida

Re: Accretion at Northerly tip of island  
of Longboat Key, Manatee County.

Dear Mr Scholfield:

Referring to your letter of July 29, the accretion area is considered State sovereignty land of the Trustees and since it appears to be unstable we feel that sometime may be required before it reaches a final stable shape and can be evaluated. We know of no immediate need for disposition of the parcel, particularly if it is a factor for protection of the channel under the Road Department's bridge.

In order for the accretion to be recognized as property of the owner of Block 39 there would have to be conclusive proof that it was a natural, gradual and imperceptible building up outward from the shore line. Your comment that the present break was formerly artificially filled raises question as to whether the mass emerged offshore and later connected naturally or artificially to Block 39.

We believe that any plan for use of the area should be based in part on a study which would disclose whether connection with the main island is necessary or desirable for protection of the channel or otherwise, and a determination made as to what type seawall or other devices will give stability without adverse effects elsewhere. The area in question may be directly related to some tidal situation which should be evaluated before any disposition of the same is considered, and there may be a question as to its legal status since the break-through if it was truly an accretion to private upland. I regret to advise that we are not in position to evaluate the matter from the information we now have.

Sincerely yours,

VAN H FERGUSON  
Director

July 29, 1960

C Mr. Van F. Ferguson, Chairman  
Trustee of the Internal Improvement Fund  
State of Florida Capitol Building  
Tallahassee, Florida

Dear Mr. Ferguson:

O At the northern tip of Longboat Key there is a spit of accreted land as per the pencil sketch enclosed with this letter. This land has always been of questionable ownership. The owner of the property in Block 39 has indicated that he thought it was rightfully his because of the accretion.

P About two years ago the State Road Department pumped sand into the area I have marked "Break Through". I assume this filling was done to protect the channel under the Anna Maria-Longboat Key bridge.

Y Yesterday's severe storm broke through this spit again at a distance of 400-500 feet, making the part that I show in red an island.

At one time Longboat Key had our attorney appear before your board requesting the title to this land be given to the town of Longboat Key. The information received from you board at that time to our attorney Mr. Berry was that title to this area was not clear, that if it ever came to an issue we would be notified.

It is my personal opinion that now since yesterday's break through transferring title to the town of Longboat Key should not be to controversial.

I am writing now on my own initiative asking you if this can be done without too much difficulty.

Sincerely,  
Town of Longboat Key

C. H. Scholfield, Manager

CHS:ch



DEPARTMENT OF THE ARMY  
JACKSONVILLE DISTRICT, CORPS OF ENGINEERS  
FEDERAL BUILDING, P. O. BOX 4970  
JACKSONVILLE, FLORIDA 32201

SAJVO

6 January 1972

Honorable Samuel Y. Gibbon  
Mayor of Longboat Key  
P. O. Box 908  
Sarasota, Fla. 33578

Dear Mr. Gibbon:

In accordance with our telephone conversation of 6 January 1972, inclosed is a copy of aerial photograph, Longboat Inlet, March 30, 1946.

Also inclosed is a Bill for Collection in the amount of \$14.75, covering the actual cost of research and reproduction of the photograph. Pursuant to instruction on the bill, it is requested that check, or other means of payment, be made payable to the Treasurer of the United States and forwarded to this office, at your earliest convenience.

Sincerely yours,

*H. H. Mansfield*  
H. H. MANSFIELD, Chief  
Office of Administrative Services

2 Incl  
as

*Rev. Can. Island*

# TOWN OF LONGBOAT KEY FLORIDA

*Andrey*



INCORPORATED NOVEMBER 14, 1955

January 11, 1971

Mr. H. H. Mansfield, Chief  
Office of Administrative Services  
Department of the Army  
Jacksonville District, Corps of Engineers  
Federal Building  
Jacksonville, Florida 32201

Dear Mr. Mansfield:

This will acknowledge with thanks your letter of January 6th, enclosing the aerial photo of Longboat Inlet, March 30, 1946. Your bill has been turned over to our Town Clerk for immediate payment.

We wish to thank you and your staff for the excellent cooperation in obtaining this print and also the additional information as to where we might obtain the surveys referred to in House Document No. 760. Many thanks for your assistance.

Sincerely,

Samuel Y. Gibbon,  
Mayor

SYG:hbb



DOYLE CONNER, COMMISSIONER

## FLORIDA DEPARTMENT OF AGRICULTURE &amp; CONSUMER SERVICES

\* MAYO BUILDING

TALLAHASSEE 32304

DIVISION OF FORESTRY  
BRADENTON DISTRICT  
P. O. Box 808  
Oneco, Florida 33558

January 10, 1972

*Beer Can Island*

Honorable Samuel Y. Gibbon  
Mayor, City of Long Boat Key  
Long Boat Key, Florida 33548

Dear Mayor Gibbon:

Reference is made to your telephone call to me on January 7, 1972, concerning the determination of the age of the Australian Pine (*Casuarina equisetifolia*) on Beer Can Island.

Our expert tropical species Forester, Mr. Elbert Schory in Fort Myers, said it was not possible to obtain an accurate age determination on the *Casuarina*. We already knew it was very difficult because most tropical species do not normally go dormant as most trees do. The tropical species may have three "growth rings" per year or it may have only one depending almost completely on the weather conditions during the year.

We are very sorry that we cannot supply you with an accurate age determination of the *Casuarina*. I know of no one who can.

I would suggest that an approximate age determination could be made by checking old aerial photos from the County Tax Accessors Office or the County ASCS (Agricultural Stabilization and Conservation Service) Office.

If we can be of service to you or the citizens of the City of Long Boat Key, please advise. We have two other Foresters who work out of this Office. We are here to give advice and guidance to anyone in the establishment and/or care of trees.

Sincerely yours,

DIVISION OF FORESTRY

C. G. Strickland  
District Forester

TOWN OF LONGBOAT KEY FLORIDA



INCORPORATED NOVEMBER 14, 1955

February 1, 1972

Mr. C. G. Strickland,  
District Forester  
Florida Department of Agriculture  
& Consumer Services  
P. O. Box 808  
Oneco, Florida 33558

Dear Mr. Strickland:

This is a belated acknowledgment of your letter of January 10th. Thank you for your interest.

I am sorry that Casuarinas do not lend themselves to a determination of their age. We appreciate your offer to help.

Sincerely,

Samuel Y. Gibbon,  
Mayor

SYG:hhb

*Open  
Prop  
Baker & Shover  
(Beer Can)*

CARL R. KEELER  
7035 LONGBAY BOULEVARD  
SARASOTA, FLORIDA 33580

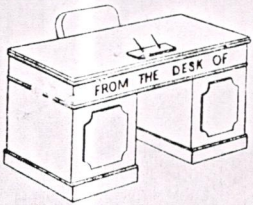
JAN. 14, 1971

STATEMENT

To: TOWN OF LONGBOAT KEY  
TOWN HALL  
LONGBOAT KEY, FLA.  
ATTN: HON. SAM GIBSON

FOR BIOLOGICAL SURVEY OF SARASOTA BAY ADJACENT  
TO LONGBOAT KEY, IN CONNECTION WITH BULKHEAD  
HEARING, AND SUBSEQUENT FOLLOW-UP AT HEARING.  
TIME EXPENDED ON PROJECT: 26 HOURS.

\$100.



CARL R. KEELER, JR.

RESPECTFULLY SUBMITTED,

*Carl R. Keeler*

CARL R. KEELER

Sam:

I've arranged for  
the state vice-president  
of Eagle Water League  
to present some strong  
arguments in our favor  
at the proper time in  
the hearing. I'm collab-  
orating with her on the  
paper.

Young -

Carl

*encl*

February 1, 1972

Mr. Carl R. Keeler  
7035 Longbay Blvd.  
Sarasota, Florida 33580

Dear Carl:

Enclosed please find check for \$100.00 in payment of your statement of January 14th. We appreciate your taking the trouble to make the study and the presentation at the hearing.

The hearing will be reconvened on the evening of February 10th at which time we expect to hear Arvida's presentation in connection with their dredge and fill application.

Sincerely,

Samuel Y. Gibbon,  
Mayor

SYG:hbb

UNIVERSITY OF FLORIDA  
GAINESVILLE

Jan, 23, 1972

COLLEGE OF ARTS AND SCIENCES

DEPARTMENT OF ██████████ ZOOLOGY 32607

Dear Mr. Gibbon :

I enjoyed contributing to your hearing on the bulkhead line issue. I hope that my testimony was of value and that the bulkhead line will be moved back to the level of high water as anticipated. I will return your slide carousel and the rest of your slides under separate cover. Please return my slides and copies of the Sarasota Bay slides which I used at the hearing as soon as possible. I need them for future reference.

The expenses which I incurred in conjunction with participating in the hearing were as follows :

Mileage -- 390 miles at \$0.10/mi. = \$39.00

Four meals and tips (Jan, 13-14) = 10.00

Total \$49.00

The room at the Ponderosa Resort was billed directly to the town of Longboat Key.

Best wishes to you and the citizens of your fine community. Please let me know what final decision is made on the bulkhead line.

Sincerely,

*William Law*

*bulkhead*

# TOWN OF LONGBOAT KEY FLORIDA



INCORPORATED NOVEMBER 14, 1955

February 1, 1972

Professor William E. Carr  
Bartram Hall, Room 310  
University of Florida  
Gainesville, Florida

Dear Bill:

Enclosed you will find check to your order for \$49.00 to cover expenses on your trip to Longboat Key. I would like to reiterate that the Town would honor a bill for a modest honorarium. At any rate I would like to express our thanks to you for the time and trouble you have taken to make a presentation on behalf of the ecological importance of moving the bulkhead line.

I will see that your slides are returned as soon as they have been copied.

Sincerely,

Samuel Y. Gibbon,  
Mayor

SYG:hhb



**U.S. DEPARTMENT OF COMMERCE**  
**National Oceanic and Atmospheric Administration**  
NATIONAL OCEAN SURVEY  
Rockville, Md. 20852

January 21, 1972

C332-8-SIPD

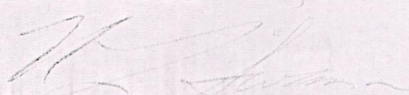
Honorable Samuel Y. Gibbon  
Mayor of Sarasota  
Sarasota, Florida 33577

Dear Mayor Gibbon:

In response to a request from Mr. David Kendall, we searched our files thoroughly to see if we could collect certain tidal data for you.

It appears, however, that we have never recorded the tides at Long Boat Pass, and so are unable to furnish observed data for the three days in 1941, 1946, and 1957 that Mr. Kendall needed. Since predicted data depends upon knowledge gained through previously observed data, we are also unable to supply tidal predictions for that area.

Sincerely,

  
R. L. Swanson  
Commander, NOAA  
Chief, Oceanographic Division

cc:  
Mr. Whitesell

# TOWN OF LONGBOAT KEY FLORIDA



INCORPORATED NOVEMBER 14, 1955

February 1, 1972

Commander R. L. Swanson  
NOAA Chief  
Oceanographic Division  
U. S. Department of Commerce  
Rockville, Maryland 20852

Dear Sir:

Thank you for your letter of January 21st in response to a request from Mr. David Kendall with regard to tital data at Longboat Pass.

We appreciate the trouble you have gone to in looking for this information.

Sincerely,

Samuel Y. Gibbon,  
Mayor

SYG:hbb

cc: Mr. David Kendall

UNIVERSITY OF FLORIDA  
GAINESVILLE

Jan, 23, 1972

COLLEGE OF ARTS AND SCIENCES

DEPARTMENT OF ██████████ ZOOLOGY 32601

Dear Mr. Gibbon :

I enjoyed contributing to your hearing on the bulkhead line issue. I hope that my testimony was of value and that the bulkhead line will be moved back to the level of high water as anticipated. I will return your slide carousel and the rest of your slides under separate cover. Please return my slides and copies of the Sarasota Bay slides which I used at the hearing as soon as possible. I need them for future reference.

The expenses which I incurred in conjunction with participating in the hearing were as follows :

Mileage -- 390 miles at \$0.10/mi. = \$39.00

Four meals and tips (Jan, 13-14) = 10.00

Total \$49.00

The room at the Ponderosa Resort was billed directly to the town of Longboat Key.

Best wishes to you and the citizens of your fine community. Please let me know what final decision is made on the bulkhead line.

Sincerely,

*William Carr*

*encl*

February 1, 1972

Mr. Carl R. Keeler  
7035 Longbay Blvd.  
Sarasota, Florida 33580

Dear Carl:

Enclosed please find check for \$100.00 in payment of your statement of January 14th. We appreciate your taking the trouble to make the study and the presentation at the hearing.

The hearing will be reconvened on the evening of February 10th at which time we expect to hear Arvida's presentation in connection with their dredge and fill application.

Sincerely,

Samuel Y. Gibbon,  
Mayor

SYG:hbb



DEPARTMENT OF THE ARMY  
COASTAL ENGINEERING RESEARCH CENTER  
5201 LITTLE FALLS ROAD, N.W.  
WASHINGTON, D.C. 20016

CERVE

21 January 1972

Honorable Samuel Y. Gibbon  
Mayor of Longboat Key  
Longboat Key, Florida 33548

Dear Mayor Gibbon:

Reference your letter of 6 January 1972, copy attached. Subsequent to receipt of your letter, we have conducted an extensive search of our files for drawings and survey data appropriate to your query. We have also coordinated your request with Mr. George Marsh, Engineering Division, Jacksonville District. Mr. Marsh indicates his office has provided you with several drawings and some aerial photography.

The survey data, you refer to in the last paragraph of your letter, is not on file at CERC. It is my understanding that the field notes were retired to a central storage area in St. Louis by the Jacksonville District. These notes should be retrievable if required.

After a thorough review of your request, it is our opinion that the field survey notes referred to in your letter will not add anything significant to the solution of a determination of land ownership.

I called you on 21 January 1972 to discuss our findings and look for an alternate solution. Your secretary reported you were out of town and would not return until 29 January.

In the interest of expediting an answer to you, I am forwarding all the drawings we have on file, recognizing they may duplicate what you already have.

Please call me at 202/282-2581 or 2582 if I can be of further assistance.

Sincerely yours,

A handwritten signature in dark ink, appearing to read "Don S. McCoy", written over a horizontal line.

DON S. McCOY  
Lieutenant Colonel, CE  
Director

- 2 Incl  
1. Gibbon letter  
2. Drawings

# TOWN OF LONGBOAT KEY FLORIDA



INCORPORATED NOVEMBER 14, 1955

February 1, 1972

Lieutenant Colonel Don S. McCoy, Director  
Department of the Army  
Coastal Engineering Research Center  
5201 Little Falls Road N.W.  
Washington, D. C. 20016

Dear Colonel McCoy:

We are truly appreciative of the trouble you have taken to provide the information requested in my letter of January 6th.

I may take advantage of your offer to be of further assistance as soon as I can review the material which you were kind enough to send, together with other documents that we have been able to obtain. Thank you for your help.

Sincerely,

Samuel Y. Gibbon,  
Mayor

SYG:hhb

TOWN OF LONGBOAT KEY FLORIDA



INCORPORATED NOVEMBER 14, 1955

*O per  
Prop  
Beck & Shown*

February 4, 1972

Mr. William D. Lindsey, Mayor  
City of Bradenton Beach  
Bradenton Beach, Florida

Dear Bill:

Thank you for your letter of February 1st and the Resolution of your City Council with regard to Beer Can Island.

I think we are all working in the same direction toward trying to preserve the Island as a public recreational area and it is nice to have the cooperation of your Council.

Sincerely,

Samuel Y. Gibbon,  
Mayor

SYG:hhb

Wre

2.13.72

My dear Mayor GIBSON and Councilmen:

What, exactly, will happen to all of us who moved here because we loved these Keys the way they were, if these cement-minded people take away <sup>illegally</sup> our sands, beaches, clean water, for fish and swimming, boating, and for our children, and the good guests from out-of-town.

The over-flow of optimistic visitors, numbers from "all-over-over," already has Coquina Beach, much in need of all shoreline our County & State can offer. Beaching chairs - and to Beer Can Island; with Girl Scout Cadettes, who ~~wish to~~ are working on a troop movement #29, to pick up trash. Do you and yours wish another "cement, dusty, trashy, Miami Beach boardwalk," where you can't see the sea for ~~the~~ hand fumes, & flying trash? Let's keep Beer Can Island and its great beauties for us!!  
Thank you - Sincerely

# TOWN OF LONGBOAT KEY FLORIDA



INCORPORATED NOVEMBER 14, 1955

January 11, 1972

Mr. and Mrs. G. Brown Zahniser  
114 Beach Ave.  
Anna Maria, Florida 33501

Dear Mr. and Mrs. Zahniser:

Thanks for your note about Beer Can Island. We are trying to persuade the Trustees of the Internal Improvement Fund that Beer Can Island is not the result of natural accretion to Mr. Conrad's property but rather the result of man made changes to the natural flow of water. The building of a new bridge, the placing of spoil which changed the normal tidal flow, the creation of Bradenton beach and the building of the groins and finally the placement of dredge material to close up the gap between the Island and Longboat Key, were obviously all factors in the development of Beer Can Island.

I think anyone interested should let their feelings be know to the cabinet officers who have the final say in the matter. Many thanks for your interest.

Sincerely,

Samuel Y. Gibbon,  
Mayor

SYG:hhb

TOWN OF LONGBOAT KEY FLORIDA



INCORPORATED NOVEMBER 14, 1955

February 17, 1972

Mrs. G. Brown Zahniser  
114 Beach Ave.  
Anna Maria, Florida 33501

Dear Mrs. Zahniser:

Thank you for your letter of February 13th. Longboat Key Town Commissioners are in entire agreement with you as to the desirability of keeping Beer Can Island in its natural state and its use by the public.

We are doing everything within our means to accomplish this.

Sincerely,

Samuel Y. Gibbon,  
Mayor

SYG:hhb

# TOWN OF LONGBOAT KEY FLORIDA



INCORPORATED NOVEMBER 14, 1955

February 24, 1972

Mr. Joel Kuperberg, Executive Director  
Board of Trustees of the  
Internal Improvement Trust Fund  
Elliott Building  
Tallahassee, Florida

Dear Mr. Kuperberg:

I have been instructed by the Longboat Key Town Commission to convey their concurrence in Manatee County's request for dedication by the State to the County, of Beer Can Island for an undeveloped, natural recreation area and wildlife refuge.

We feel that such a dedication is in the public interest and appreciate the opportunity of making this suggestion to you for consideration by the Trustees.

Sincerely,

Samuel Y. Gibbon,  
Mayor

SYG:hhb



STATE OF FLORIDA  
BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND  
ELLIOT BUILDING — TALLAHASSEE, FLORIDA 32304

Joel Kuperberg  
Executive Director

TELEPHONE 224-2101

February 29, 1972

Robert J. Boylston, Esquire  
Post Office Drawer 1669  
Bradenton, Florida

"Beer Can Island"

Dear Mr. Boylston:

As we discussed by telephone today, Mr. Kuperberg has received letters from Mr. L. H. Fortson, Manatee County Commissioner, and the Honorable Samuel Y. Gibbon, Mayor, Town of Longboat Key, requesting that "Beer Can Island" be dedicated to Manatee County by the Trustees. However, Mr. Kuperberg feels that the appropriate method by which Manatee County may receive any interest held by the state in "Beer Can Island" is through a quitclaim deed from the Trustees to the county.

It is my understanding that pursuant to our conversation and that of Mr. Kuperberg and Mr. Fortson, also on this date, the county now wishes to request that they receive a quitclaim deed to "Beer Can Island" and that a letter from the county containing such a request, with the concurrence of the Town of Longboat Key, is forthcoming. Upon receipt of such a request and concurrence, the necessary steps can be taken for placing the matter before the Trustees for their decision.

Thank you for your cooperation in this matter.

Sincerely,

Chris H. Bentley  
Counsel for Board of Trustees

CHB:sh

cc: Mr. L. H. Fortson, Jr.  
✓Honorable Samuel Y. Gibbon

Reubin O'D. Askew  
Governor

Richard (Dick) Stone  
Secretary of State

Robert L. Shevin  
Attorney General

Fred O. Dickinson, Jr.  
Comptroller

Thomas D. O'Malley  
Treasurer

Floyd T. Christian  
Commissioner of Education

Doyle Conner  
Commissioner of Agriculture

TOWN OF LONGBOAT KEY FLORIDA



INCORPORATED NOVEMBER 14, 1955

*COP Prop  
Land Right  
Beaches  
Show*

March 6, 1972

Mr. Chris H. Bentley,  
Counsel for Board of Trustees  
Internal Improvement Trust Fund  
Elliot Building  
Tallahassee, Florida 32304

Re: Beer Can Island

Dear Mr. Bentley:

This letter is a personal apology for being unresponsive to your last two letters. When Manatee County was willing to "carry the ball" on the Beer Can Island matter, I turned my attention to other things and neglected to reply.

As you may know we have been hold hearings on resetting the bulkhead line on Longboat Key and the long and tedious proceedings have kept me fully occupied.

Sincerely,

Samuel Y. Gibbon,  
Mayor

SYG:hhb

TOWN OF LONGBOAT KEY FLORIDA



INCORPORATED NOVEMBER 14, 1955

November 11, 1972

Mr. Chris H. Bentley,  
Counsel for Board of Trustees  
Internal Improvement Trust Fund  
Elliot Building  
Tallahassee, Florida 32304

Dear Mr. Bentley:

We have had one meeting with Mr. Fortson and their counsel and Mr. Whitesell who is counsel for Longboat Key. The lawyers have set up another meeting with Mr. Carr this Thursday. I believe he has duplicates of the material which we asked you for.

In the meantime we have sent for additional material from two governmental agencies which we think may be useful in evaluating the claims put forth by Mr. Conrad. The material requested is coming from the Corps of Engineers, National Oceanic & Atmospheric Administration of the Department of Commerce and the United States Army Coastal Engineers Research Center. We would like to have an opportunity to review this material before we make arrangements to visit with the staff again.

Sincerely,

Samuel Y. Gibbon,  
Mayor

SYG:hhb

OP  
Prop  
Beaches  
Shores

TOWN OF LONGBOAT KEY FLORIDA



INCORPORATED NOVEMBER 14, 1955

May 17, 1972

Mr. Robert J. Boylston  
406 - 13th Street W.  
Bradenton, Florida

Dear Bob:

In case you need other oldtimers as witnesses with regard to Beer Can Island, Newell J. Elder, 611 Linley Street, P. O. Box 24, Longboat Key, is the present bridge tender at Longboat Pass, and has lived in the area for, I guess, forty or fifty years. Earl Guthrie who is about eighty, also used to be a bridge tender at Longboat Pass and Elder says he might be worth talking to. According to Elder he lives in Cortez.

Please let me know if I can be of any help.

Sincerely,

SYG:hhb

Samuel Y. Gibbon

*O per  
Pope  
Beh & Shree*

Andrey

Mrs. G. Brown Zahniser • 114 Beach Ave. • Anna Maria, Fla. 33501

10.1.72

My dear Moya Gibbon,

"Beer Can Island" should remain protected by we taxpayers, owners, and residents of Anna Maria, & Longboat.

It's not for a single person, or two attorneys to decide, nor the D. J. F., in swift secret sessions.

There is so much overpopulation right now, besides uncompleted projects, we must stand and oppose Can Rad & Kuperberg. They speed down for our beauty and recreational area for the majority.

Yours truly,  
Suzanne & Brown Zahniser

# TOWN OF LONGBOAT KEY FLORIDA



INCORPORATED NOVEMBER 14, 1955

January 11, 1972

Mr. and Mrs. G. Brown Zahniser  
114 Beach Ave.  
Anna Maria, Florida 33501

Dear Mr. and Mrs. Zahniser:

Thanks for your note about Beer Can Island. We are trying to persuade the Trustees of the Internal Improvement Fund that Beer Can Island is not the result of natural accretion to Mr. Conrad's property but rather the result of man made changes to the natural flow of water. The building of a new bridge, the placing of spoil which changed the normal tidal flow, the creation of Bradenton beach and the building of the groins and finally the placement of dredge material to close up the gap between the Island and Longboat Key, were obviously all factors in the development of Beer Can Island.

I think anyone interested should let their feelings be know to the cabinet officers who have the final say in the matter. Many thanks for your interest.

Sincerely,

Samuel Y. Gibbon,  
Mayor

SYG:hhb

TOWN OF LONGBOAT KEY FLORIDA



INCORPORATED NOVEMBER 14, 1955

February 17, 1972

Mrs. G. Brown Zahniser  
114 Beach Ave.  
Anna Maria, Florida 33501

Dear Mrs. Zahniser:

Thank you for your letter of February 13th. Longboat Key Town Commissioners are in entire agreement with you as to the desirability of keeping Beer Can Island in its natural state and its use by the public.

We are doing everything within our means to accomplish this.

Sincerely,

Samuel Y. Gibbon,  
Mayor

SYG:hhb

Box 773  
Wendell N.C. 27591

JAMES T. CLAY

April 25 1972

Town Commission and Zoning Board  
Town of Longboat Key, Fl.

Dear Sirs:

First let me identify myself. My name is James T. Clay. I am a tax paying property owner on Longboat Key, Fl. I own Apartment number nine, Longboat Pass Apartments Inc. 201 North Shore Drive, Longboat Key, Fl.

I wish to express my strenuous objection to any change in the zoning laws now in effect on the Conrad property located on the north end of Longboat, Key, Fl. Also I object to the closing of any streets located in this section. I feel that any change in either the zoning laws or in the streets would seriously effect adjoining property and the future public use of Beer Can Island.

Also wish to express my confidence in both the zoning board and in the town commission. Feel that you are right in your wish to limit population and construction on Longboat Key.

Thank you,

Signed,



James T. Clay

Apt. # 9 Longboat Pass Inc.  
Box 421  
Longboat Pass Fl.

Box 773  
Wendell, N.C. 27591



*Eleanor F. Winder*  
*expires 5-31-75*

TOWN OF LONGBOAT KEY FLORIDA



INCORPORATED NOVEMBER 14, 1955

*Beer Club / Longboat Key / Island*

May 10, 1972

Mr. James T. Clay  
Box 773  
Wendell, North Carolina 27591

Dear Mr. Clay:

This will acknowledge with thanks your letter of April 25th with regard to any change in the zoning of the Conrad property.

Your letter has been read to the Commission and will also be put in the hands of the Planning & Zoning Board.

Thank you for giving us your views.

Sincerely,

Samuel Y. Gibbon  
Mayor

SYG:hhb

A. W. LEWIN  
LONGBOAT HARBOUR APARTMENTS & YACHT CLUB  
APT. # L108  
LONGBOAT KEY  
SARASOTA, FLORIDA 33577

April 20/72

Hon. Samuel S. Gilton  
Mayor, Town of Longboat Key

Dear Sam:

You may recall the offering statement I made at the Longboat League forum on March 8 when I said "If I could feel sure that our Town Commission & the P+Z Board was ready & willing to carry out some of my ideas, I'd cheerfully step aside - and go fishing!"

It now appears as though I can now go fishing, for I am truly gratified to see that the Commission is acting to restrict building & zoning following a moratorium on building permits, all of which appears to be in line with what I had been urging. It seems that you were awaiting a Moses to come down from Mt. Sinai in the person of Professor Ernest Berthly and place the holy tablets before you. Nonetheless I am truly satisfied, really heartened by the wise steps which you and the Commission are now pursuing. I trust that there are many others in the community besides myself who are now breathing easier.

At the same time, it seems to me, you might be giving some serious attention to the weakness or almost absence of any kind of a building code in the Town. From first hand inspection of a number of situations, I think you will agree that there is a real need to raise the standards and qualifications particularly for multiple unit dwellings. I do hope the Commission will address itself to this area in its plans to make

A. W. LEWIN  
LONGBOAT HARBOUR APARTMENTS & YACHT CLUB  
APT. #L108  
LONGBOAT KEY  
SARASOTA, FLORIDA 33577

This might also be an appropriate time to offer my congratulations to you personally for the courageous & tiring campaign which you conducted in behalf of keeping Bear Can Island out of the hands of developers. It is good to know that this piece of pristine land will remain a sanctuary. I would like to propose that the ugly connotation of the present name be changed to Giffon Island.

May I remind you that I am still holding a film which my good neighbor, Professor Walter Engel documented for me to illustrate the clutter of signs on our Ticon highway. I will be pleased (with Walter's help) to show the film to the Commission on any one of its work sessions which you will find convenient.

With kindest regards,

Sincerely,  
Al Lewin

*Beer Can*

# TOWN OF LONGBOAT KEY FLORIDA



INCORPORATED NOVEMBER 14, 1955

May 10, 1972

Mr. A. W. Lewin  
Longboat Harbour Apts. & Yacht Club  
Longboat Key  
Sarasota, Florida 33577

Dear Al:

Thank you for your recent letter. The Southern Standard Building Code is adopted as the Town Code for Longboat Key.

Thanks for the kind words about Beer Can Island but it is still a matter that will be settled in court. The venue has been changed from Leon County to Manatee County and the Manatee County Commission, to whom the State gave a quit claim, will endeavor to keep the Island in the public domain.

I do think it would be interesting at some time to see the film that Walter Engel took, but as you may appreciate right now the Commission has got its hands full on other matters which are a little more pressing.

Sincerely,

Samuel Y. Gibbon,  
Mayor

SYG:hhb

# TOWN OF LONGBOAT KEY FLORIDA



INCORPORATED NOVEMBER 14, 1955

March 12, 1972

The Honorable John Harllee,  
Florida State Representative  
46 Manatee National Bank Bldg.  
Bradenton, Florida 33505

Dear John:

Thank you for sending me the copy of the Special Act authorizing Longboat Key to turn our Town Islands back to the State.

We are all very appreciative of your most effective efforts on behalf of Manatee County and Longboat Key and having the disclaimer to Beer Can Island granted to Manatee County. We may have bought some court proceedings but at least the issue will be decided under a legal atmosphere rather than an administrative one.

Thanks for your help.

Sincerely,

Samuel Y. Gibbon,  
Mayor

SYG:hhb



*Open  
People  
Barker Stone*

STATE OF FLORIDA  
BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND  
ELLIOT BUILDING — TALLAHASSEE, FLORIDA 32304

Joel Kuperberg  
Executive Director

TELEPHONE 488-8123

JANUARY 3, 1974

*As of  
for Jan 74*

Mrs. W. L. Cornwell  
212 - 62nd Street NW  
Bradenton, Florida 33505

Dear Mrs. Cornwell:

Beer Can Island

This is to acknowledge receipt of your letter of October 20, 1973 expressing concern over the development of Beer Can Island and the contiguous mainland. The Governor has taken this matter up with me and asked that I reply to your inquiry.

Settlement of this controversy was recommended to the Cabinet by myself on behalf of the staff based upon the advice of attorneys for the county and our counsel, Ross McVoy. I know that you have a deep interest in the maintenance of the beauty of this island and I think once you understand what was accomplished in the settlement you will be able to report to the Manatee Audubon Society that Beer Can Island indeed has been preserved.

As you know, the issue in the lawsuit was who owned approximately 19.7 acres of land that accreted to the north end of Longboat Key. The factual dispute in the case involved the manner in which the accretion formed. After much research and exhaustive investigation it appeared the state had no claim to the land. Staff recommended that the Trustees Quit Claim any state interest to the county so it could fight the legal battle to preserve the Island on the basis of adverse possession, public prescriptive rights or similar legal theories. However, attorneys for the Conrads were able to enjoin the state from this action.

When Mr. Conrad's deposition was taken just shortly before the case was scheduled to go to trial, a new factual dispute arose which was somewhat damaging to the plaintiffs' case. Although the preponderance of the evidence in the factual dispute was in the plaintiffs' favor, there was enough to force the plaintiffs to reconsider their earlier claims to the entire 19.7 acres.

Reubin O'D. Askew  
Governor

Richard (Dick) Stone  
Secretary of State

Robert L. Shevin  
Attorney General

Fred O. Dickinson, Jr.  
Comptroller

Thomas D. O'Malley  
Treasurer

Floyd T. Christian  
Commissioner of Education

Doyle Conner  
Commissioner of Agriculture

JANUARY 3, 1974

Mrs. W. L. Cornwell  
Page 2

With that background, I would like to outline the terms of the settlement which I believe has been misunderstood by your Society. Attached is the settlement agenda item approved by the Trustees, December 4, 1973. Also attached is a color-coded map illustrating the settlement. The yellow hatched area will become the property of the Sarasota Bank and Trust Company upon entry of a final order by Judge Roy Dean. The red hatched area will become the property of the State of Florida. However, the state will convey this area to the county by a deed containing a provision that the property be maintained as a public recreation area in its natural state; that no permanent improvements be erected thereon and the use of motor-driven wheeled vehicles shall be prohibited except for emergency, police, or service vehicles performing official duties related to public welfare. If the terms of the deed are violated or not enforced then ownership of the island will revert to the State of Florida Board of Trustees of the Internal Improvement Trust Fund which I can assure you will protect the island.

The blue area bordered by red illustrates Seabreeze Avenue which is a platted street. It also illustrates a pedestrian easement across the property of the plaintiffs. You will note the blue area enclosed by red runs across the western side of the Bank property to the island. This 10 foot wide easement will be restricted to pedestrian and non-motor traffic such as bicycles and will be landward of the line of mean high water. As the configuration of the Bank property changes the easement will also change.

The solid green line that surrounds the entire area is intended to represent the line of mean high water. All land, submerged or covered and uncovered by the daily ebb and flow of the tide, outside that line belongs to the state. A survey was performed by Mosby Engineering Associates for Mr. Conrad and the Bank to locate the line of mean high water. The survey appears to be accurate but if there is any error, the Trustees are not bound by the error and the land boundaries can be corrected accordingly in the future.

The broken green line running east and west will be a common boundary line. This line marks the boundary beyond which the plaintiffs have relinquished all claims to any accretion in the future. This means that plaintiffs or their successors can never claim north of the broken green line. For instance, assume that by gradual and imperceptible erosion the red hatched area disappears entirely and the only accretion remaining is the yellow hatched area. Thereafter, accretion begins to form on the

JANUARY 3, 1974

Mrs. W. L. Cornwell  
Page 3

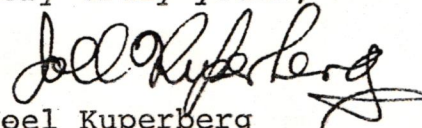
yellow hatched area and extends beyond the broken green line eventually recreating the red hatched area. Without the settlement agreement, the recreated land would belong to the Bank. The terms of this settlement prevent that situation from occurring because any accretion beyond the broken green line automatically becomes state - county owned property. However, the reverse is not the case. If any gradual and imperceptible erosion occurs south of the broken green line, that is on the property of the plaintiffs, then ownership of that land which becomes submerged and below the line of mean high water vests in the State of Florida.

Any dredging, filling, seawalling or construction in or bordering on the navigable waters of this state require a permit from this agency. The plaintiffs are well aware of the laws of the State of Florida in this regard and I can assure you that no roads will be built over open water to Beer Can Island.

I understand that Ross McVoy called your home Saturday, December 8 to explain this settlement to you. I have directed him to be available to your Society to answer any questions you may have concerning this settlement. He is a former officer of Tropical Audubon of Miami, and is to be commended, in concert with your own county attorneys, for their excellent representation of the public interest.

Thank you very much for your efforts to save this beautiful spot. The job could not have been accomplished without your assistance.

Very truly yours,



Joel Kuperberg  
Executive Director

JK/ysm

Enclosure

cc: Governor Reubin Askew  
Don Hadsock, County Attorney, Manatee County





VAN H. FERGUSON  
DIRECTOR

ELLIOT BUILDING  
PHONE 224-2101

TRUSTEES OF THE  
INTERNAL IMPROVEMENT FUND  
OF THE STATE OF FLORIDA  
MAILING ADDRESS: CAPITOL BUILDING

FARRIS BRYANT, GOVERNOR  
RAY E. GREEN, COMPTROLLER  
J. EDWIN LARSON, TREASURER  
RICHARD W. ERVIN, ATTORNEY GENERAL  
DOYLE CONNER,  
COMMISSIONER OF AGRICULTURE

*Tallahassee, Florida*

December 20, 1962

*Bar Can*

Mr C H Scholfield  
Town Manager  
Longboat Key, Florida

Dear Mr Scholfield:

Re: "Accretion" at Northerly end of Longboat  
Key, Manatee County

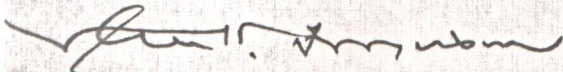
Referring to your letter of December 13, the City's bulkhead line, fixed May 12, 1958, was approved by the Trustees September 23, 1958, and the map filed here shows the bulkhead line included a "finger" of irregular shape within the bulkhead line for the main island. Certificate of approval of this bulkhead line was mailed to Mrs Lucille M Lundblad, Mayor, September 29, 1958. On July 29, 1960 you wrote that a "break-through" had occurred and we were not able to state whether the extension was a natural, gradual accretion to the private upland or had emerged offshore and gradually joined to the upland or was connected by filling. We have no information as to whether the break of 1960 has closed nor whether the mass has changed its shape or now extends outside the bulkhead line.

The establishment of the bulkhead line around this end of Longboat Key, with the finger included, would make the area within the bulkhead line subject to sale only to the riparian owner. Your letter of July 29, 1960, indicated that the finger was claimed by the riparian owner but we cannot evaluate his claim without documentary proof as to whether the parcel was natural, gradual, imperceptible accretion which extended the upland.

Your letter of December 13 was reviewed with the office of the Attorney General but the information we have is not sufficient to define the legal status of the finger

except to state such portion within the bulkhead line, if not natural accretion, would be subject to purchase only by the riparian owner. If it is found to be natural accretion then the same enures to the riparian upland owner. Without more data it was not practicable to answer the question as to the status of the bulkhead line in submerged areas which may have become exposed land by shifting or enlargement of the mass. This office would be inclined to feel that, if the change appears reasonably permanent, the bulkhead line might be considered vacated by nature to the extent that the line is now across land exposed at mean high tide. The bulkhead line would not migrate with changes in the mean high water line.

Sincerely yours,



VAN H FERGUSON  
Director

VHF:r