

**This preliminary Beer Can Island historical
information is collected and presented for the use of**

**David Bullock, Town Manager
Longboat Key, Florida**

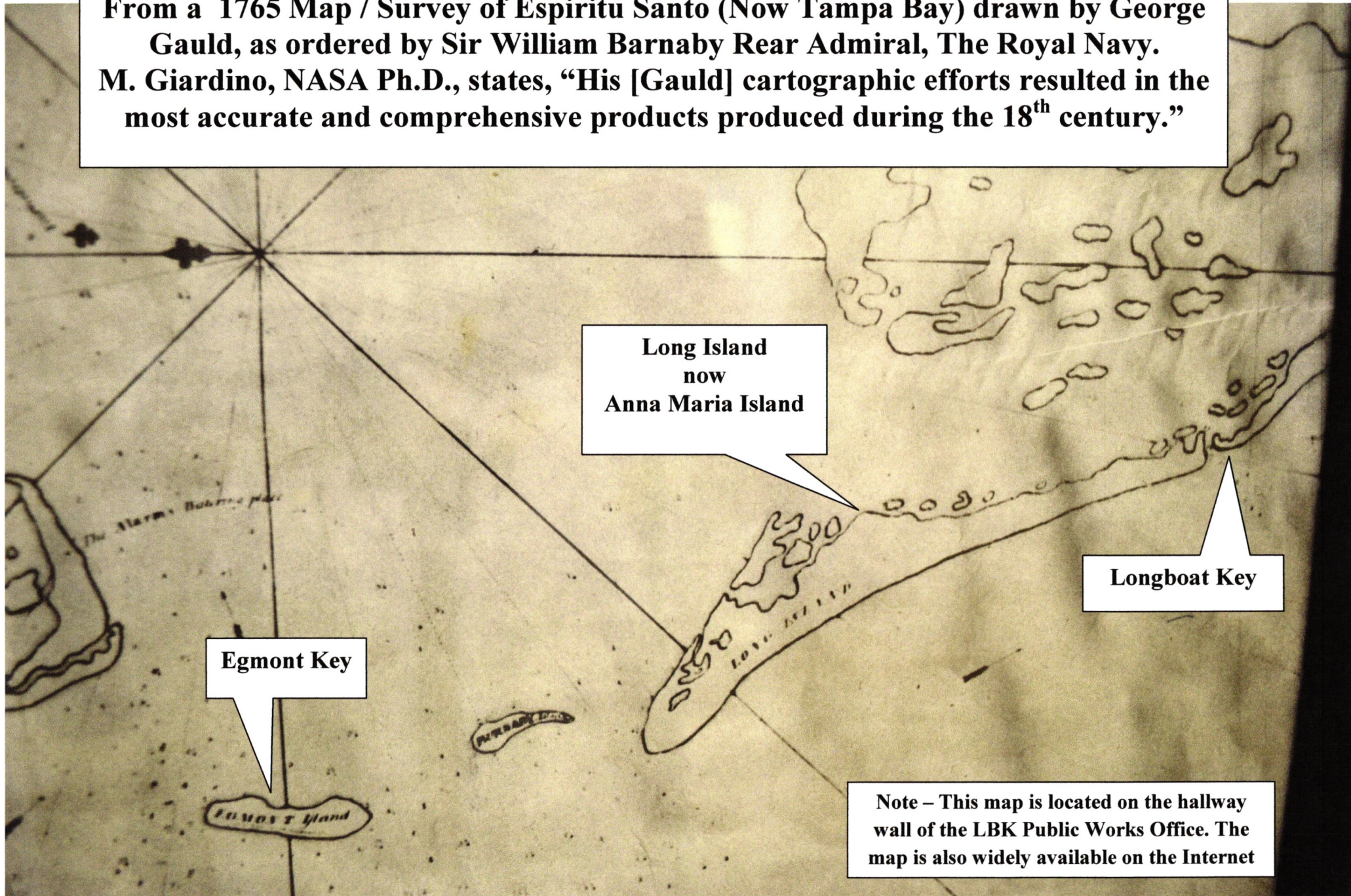
by

The Longboat Key Revitalization Task Force

February 13, 2012

**The Revitalization Task Force is finalizing its *Study of the Recent History,
Ownership, and Politics of Beer Can Island*, and will submit the Study to the
Town of Longboat Key at a later date**

From a 1765 Map / Survey of Espiritu Santo (Now Tampa Bay) drawn by George Gauld, as ordered by Sir William Barnaby Rear Admiral, The Royal Navy. M. Giardino, NASA Ph.D., states, "His [Gauld] cartographic efforts resulted in the most accurate and comprehensive products produced during the 18th century."



**Long Island
now
Anna Maria Island**

Longboat Key

Egmont Key

Note – This map is located on the hallway wall of the LBK Public Works Office. The map is also widely available on the Internet

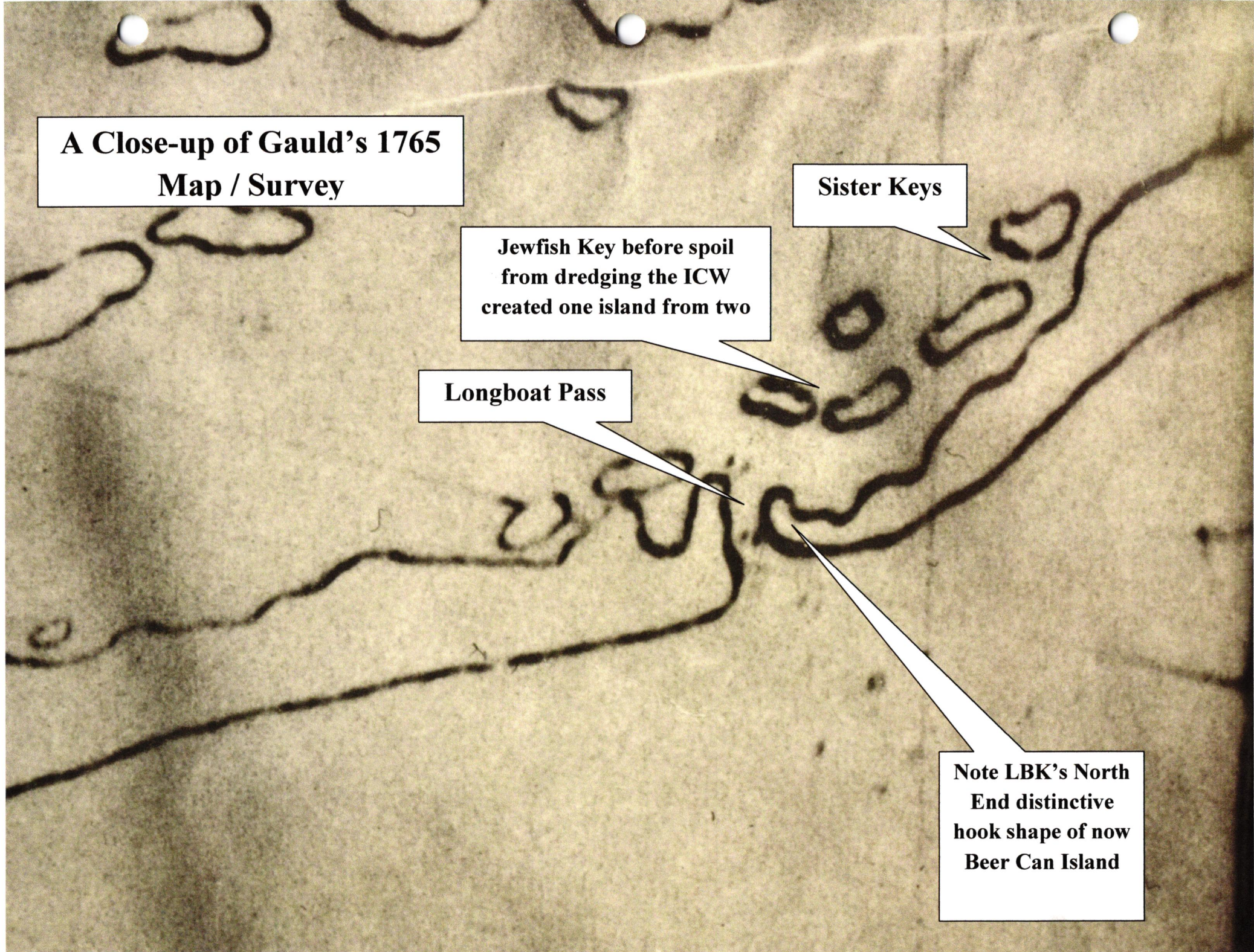
**A Close-up of Gauld's 1765
Map / Survey**

Sister Keys

**Jewfish Key before spoil
from dredging the ICW
created one island from two**

Longboat Pass

**Note LBK's North
End distinctive
hook shape of now
Beer Can Island**



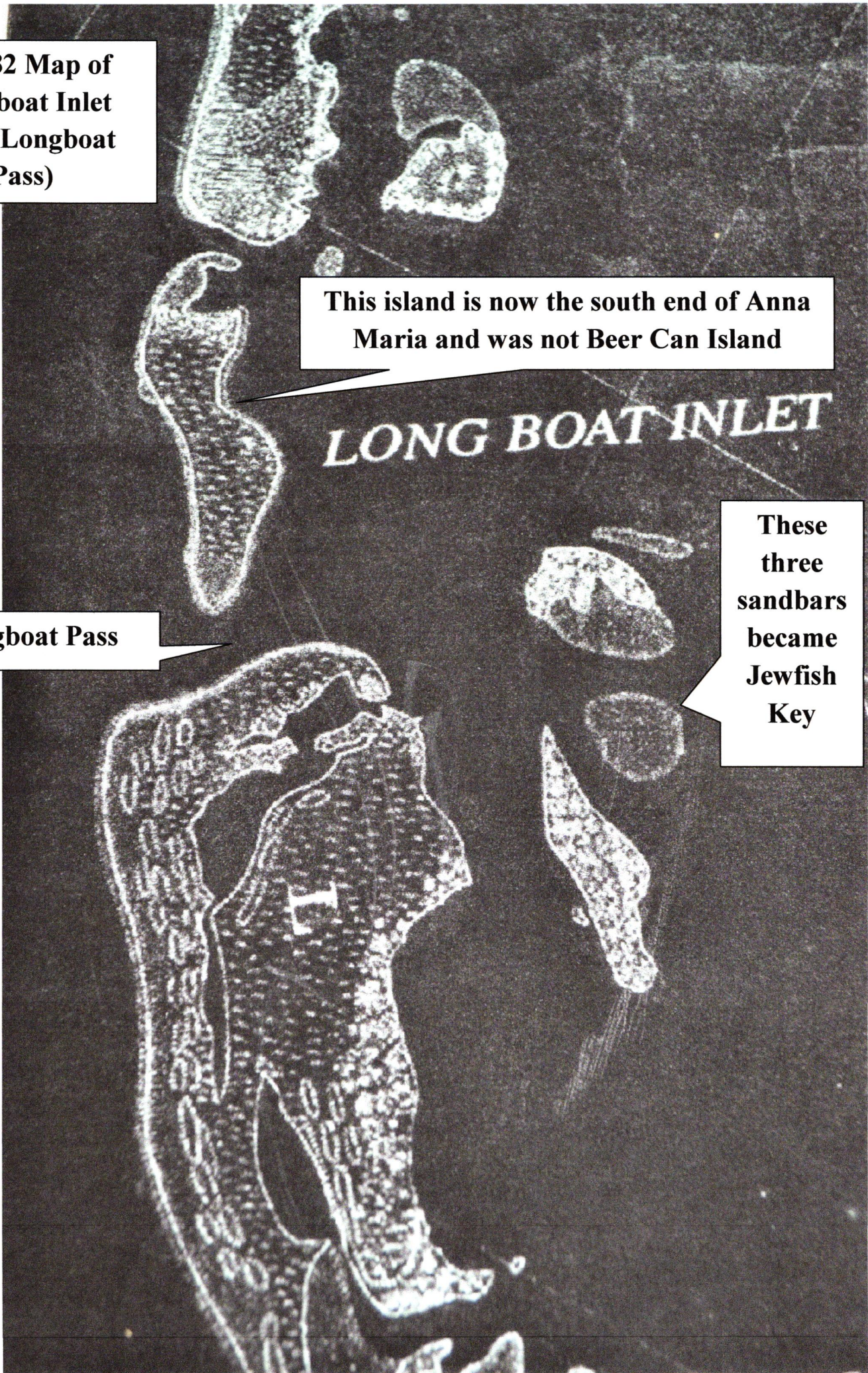
**A 1882 Map of
Longboat Inlet
(Now Longboat
Pass)**

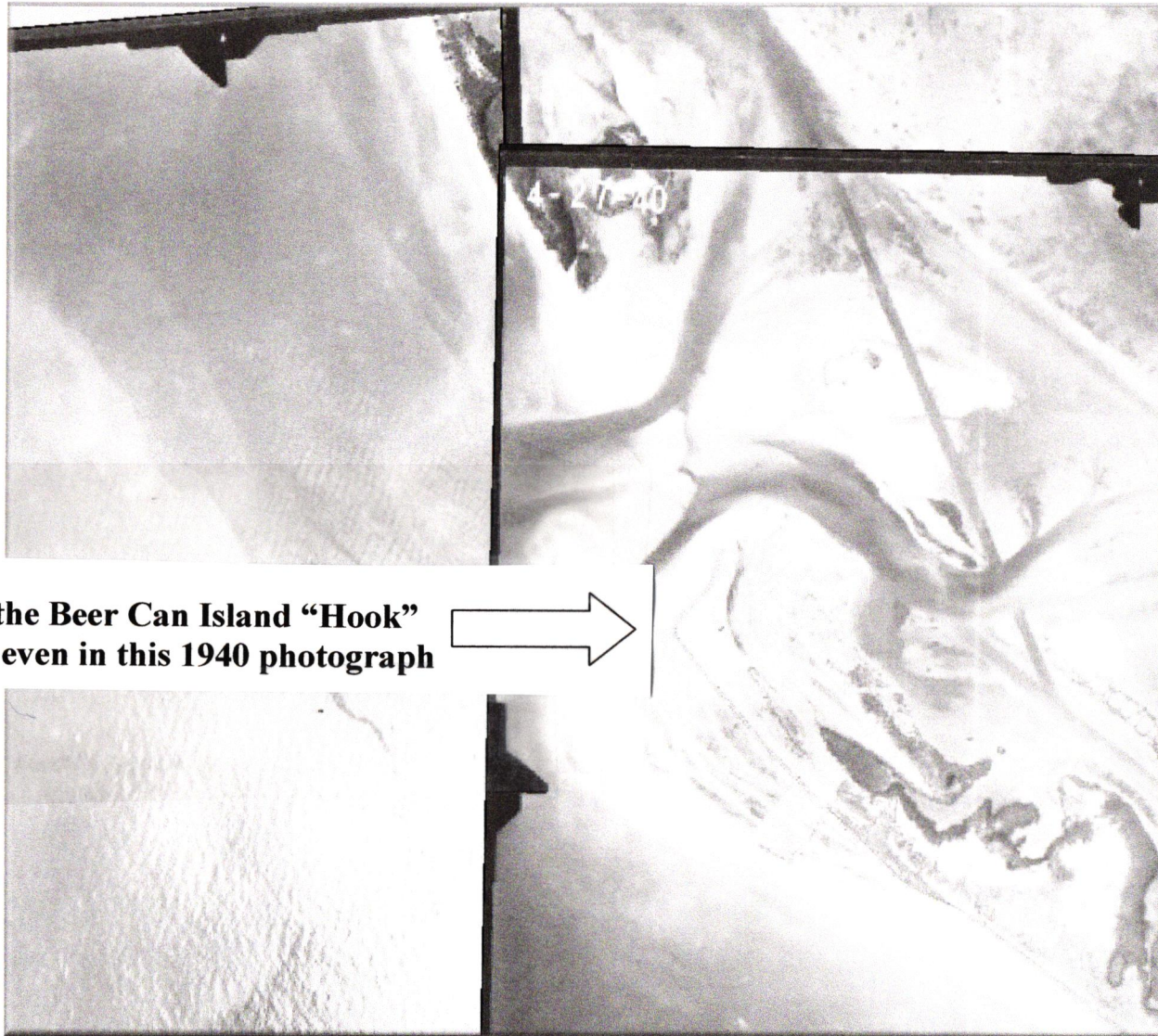
**This island is now the south end of Anna
Maria and was not Beer Can Island**

LONG BOAT INLET

Longboat Pass

**These
three
sandbars
became
Jewfish
Key**





Note the Beer Can Island "Hook" visible even in this 1940 photograph

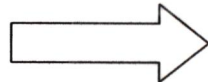


Figure A-1. Longboat Pass 1940 Aerial



Figure A-2. Longboat Pass 1951 Aerial

**Some of the following aerial photographs of Longboat Pass
are composites in order to include the geography of
Bradenton Beach
and the
north end property and beaches of Longboat Key**

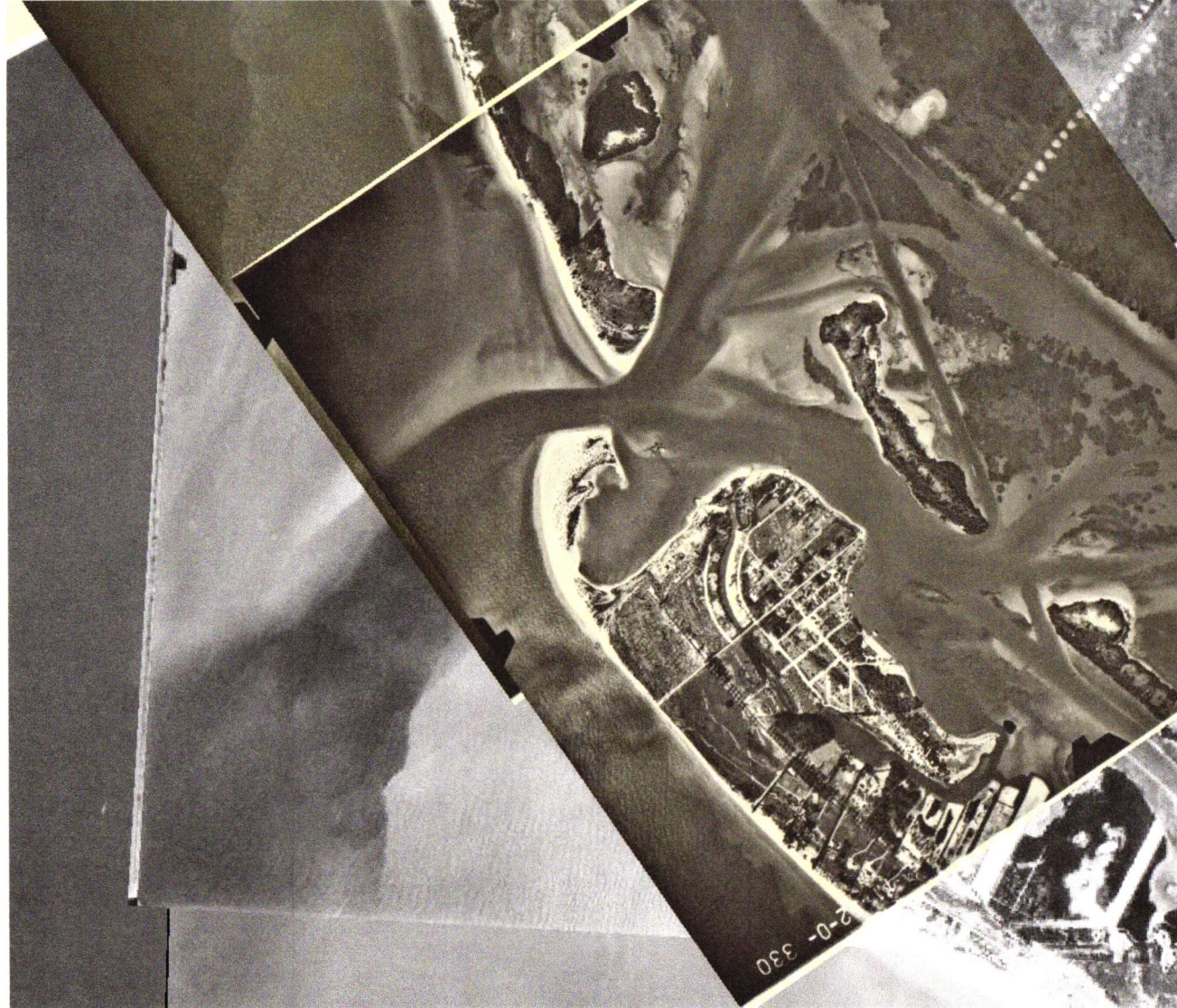


Figure A-3. Longboat Pass 1952 Aerial

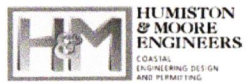
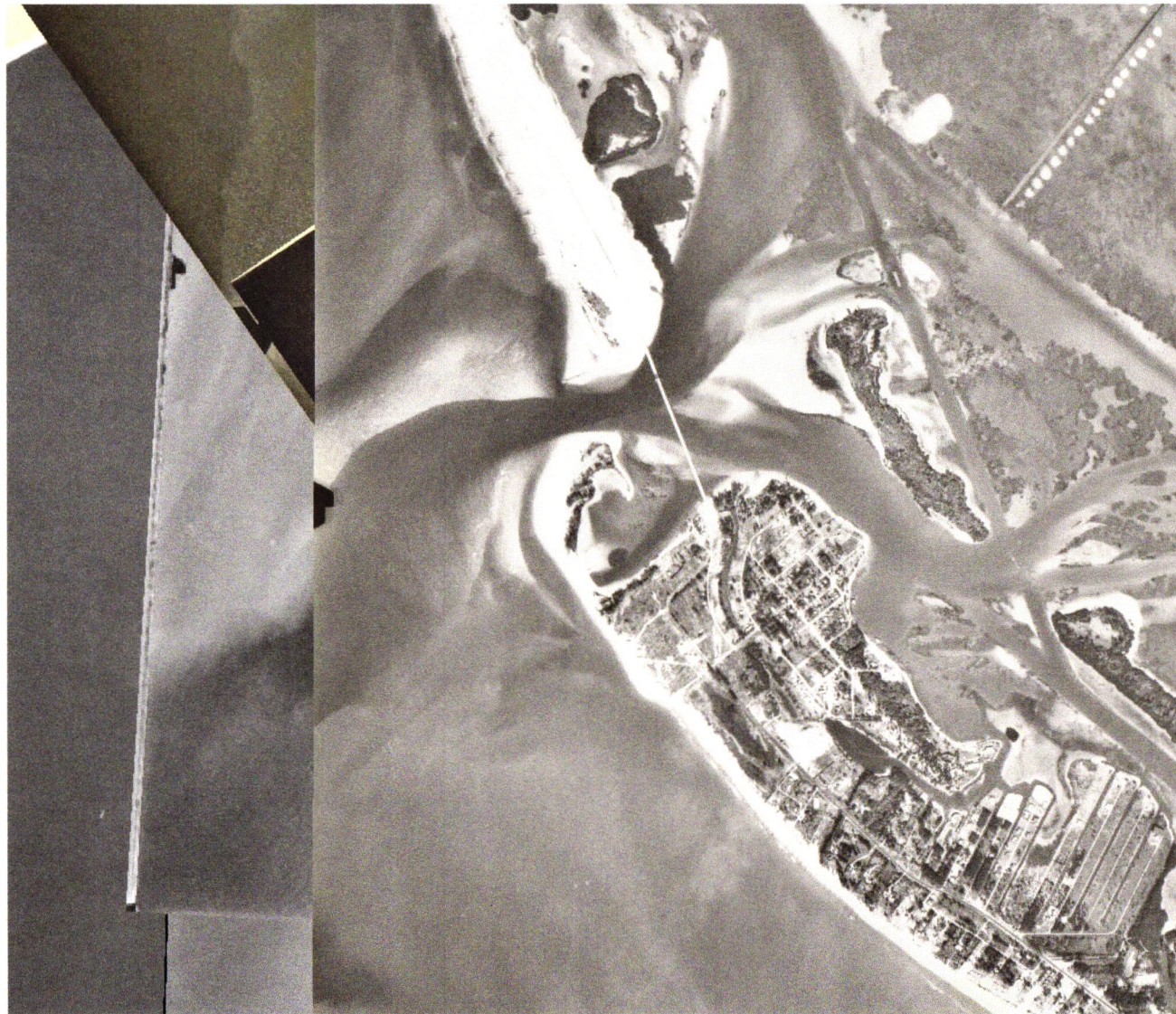


Figure A-4. Longboat Pass 1957 Aerial

1960 Photograph – Exact Day / Date Not Specifically Identified

**Beer Can Island following either Tropical Storm Brenda, 7/28/60,
or Hurricane Donna, 9/9/60**



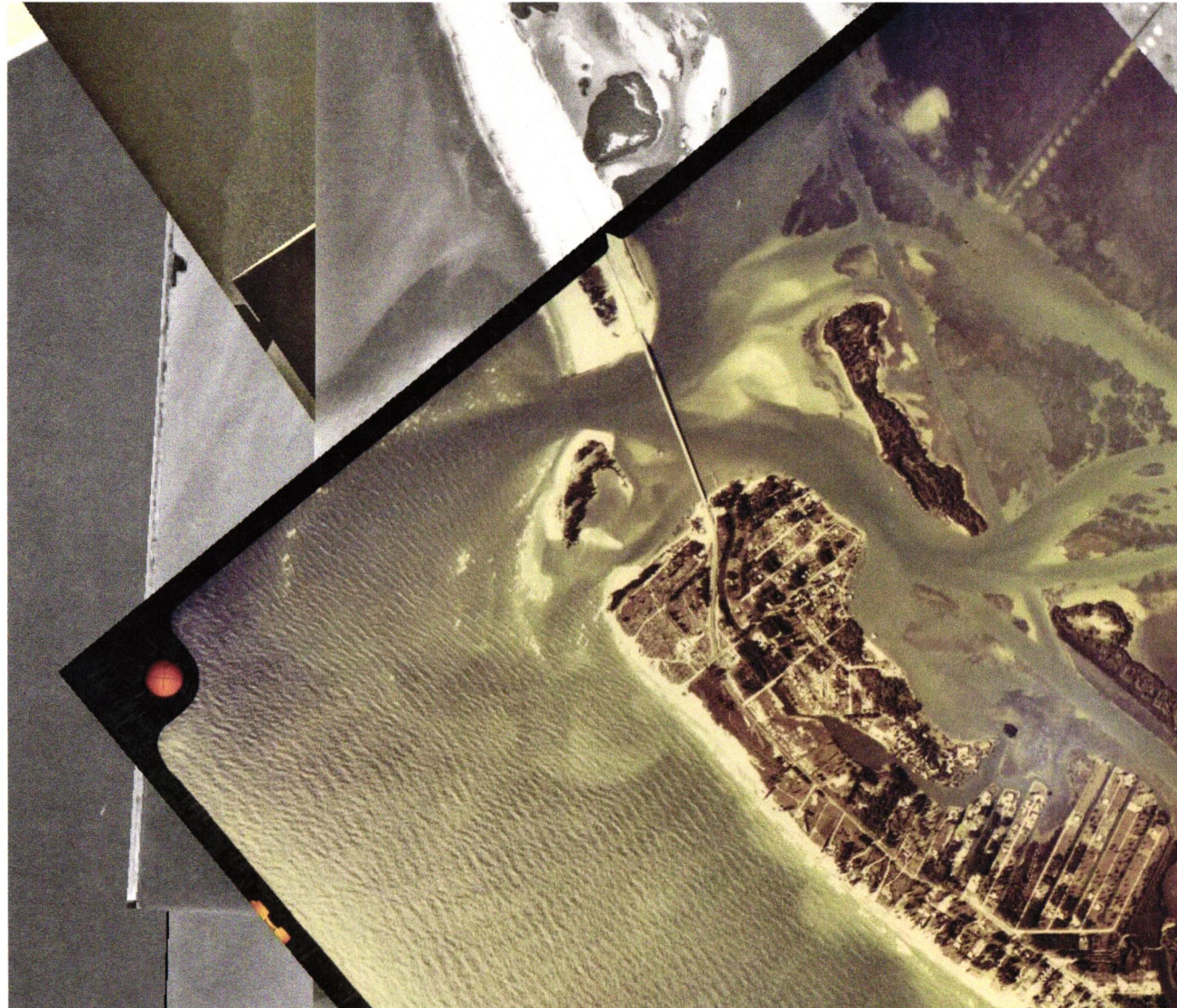


Figure A-5. Longboat Pass 1961 Aerial



Figure A-6. Longboat Pass 1962 Aerial

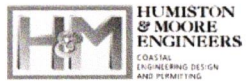


Figure A-7. Longboat Pass 1963 Aerial

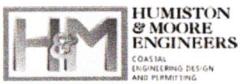


Figure A-8. Longboat Pass 1965 Aerial

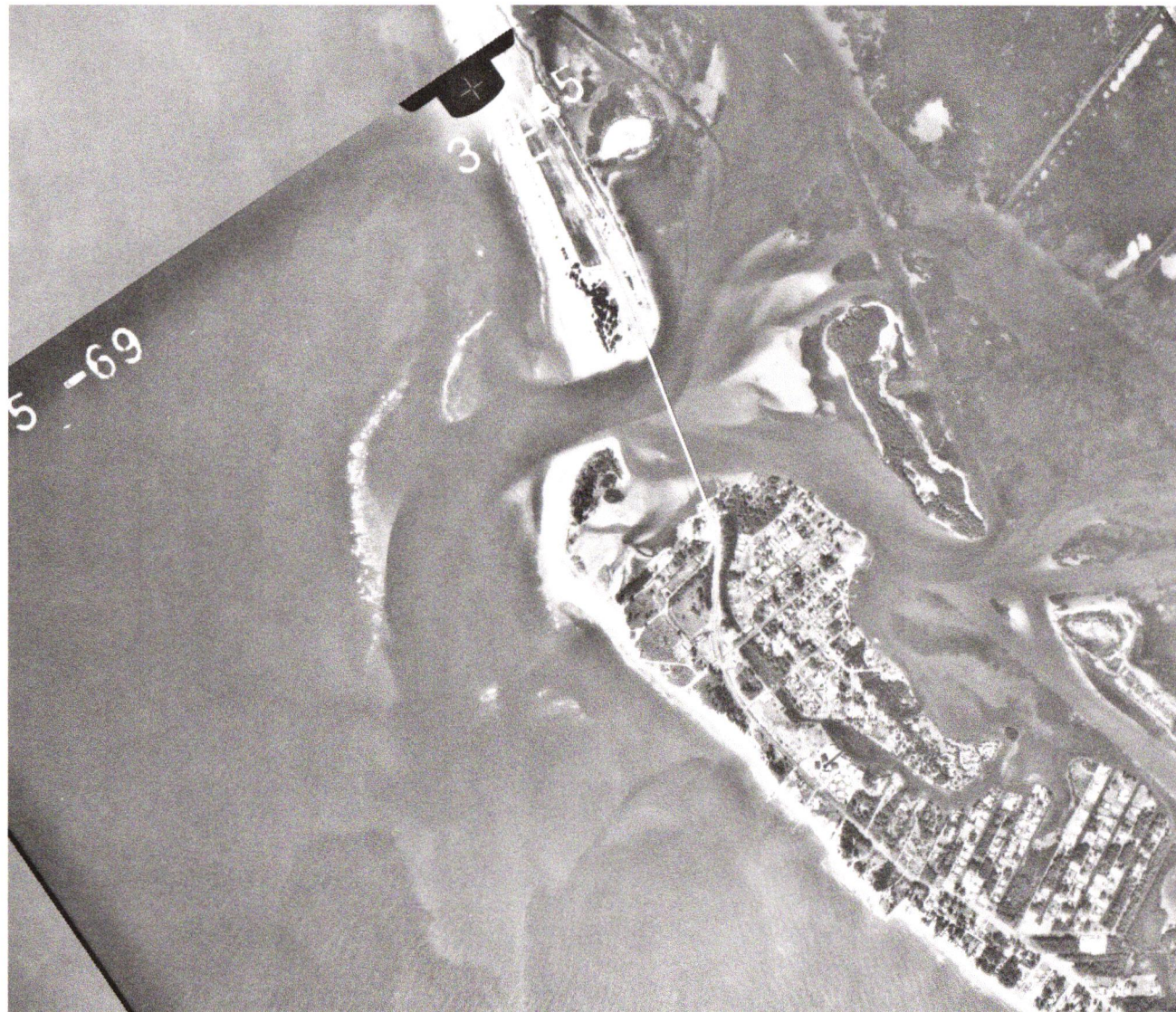


Figure A-9. Longboat Pass 1969 Aerial



Figure A-10. Longboat Pass 1970 Aerial



Figure A-11. Longboat Pass 1977 Aerial



Figure A-12. Longboat Pass 1980 Aerial

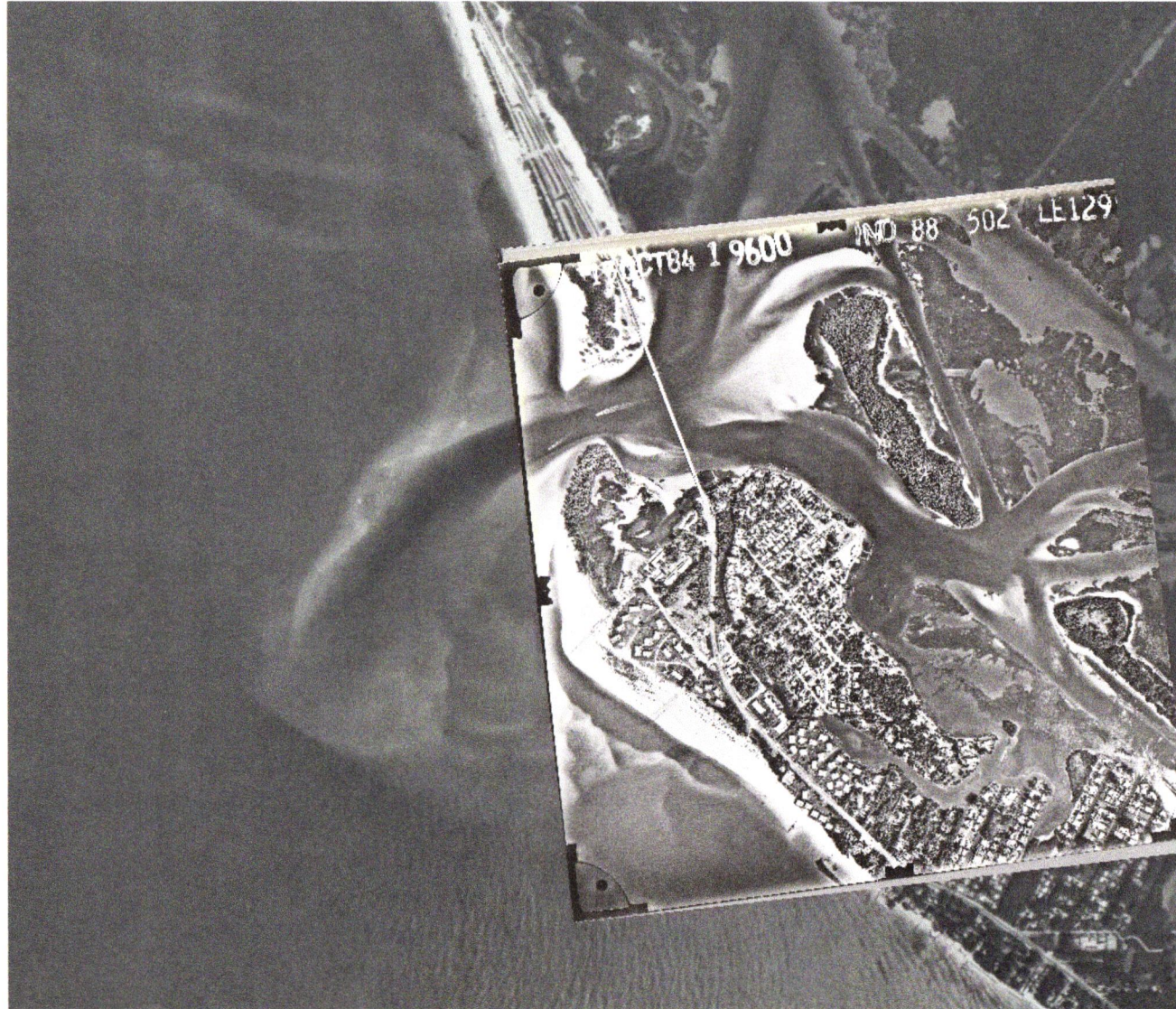


Figure A-13. Longboat Pass 1984 Aerial



Figure A-14. Longboat Pass 1987 Aerial

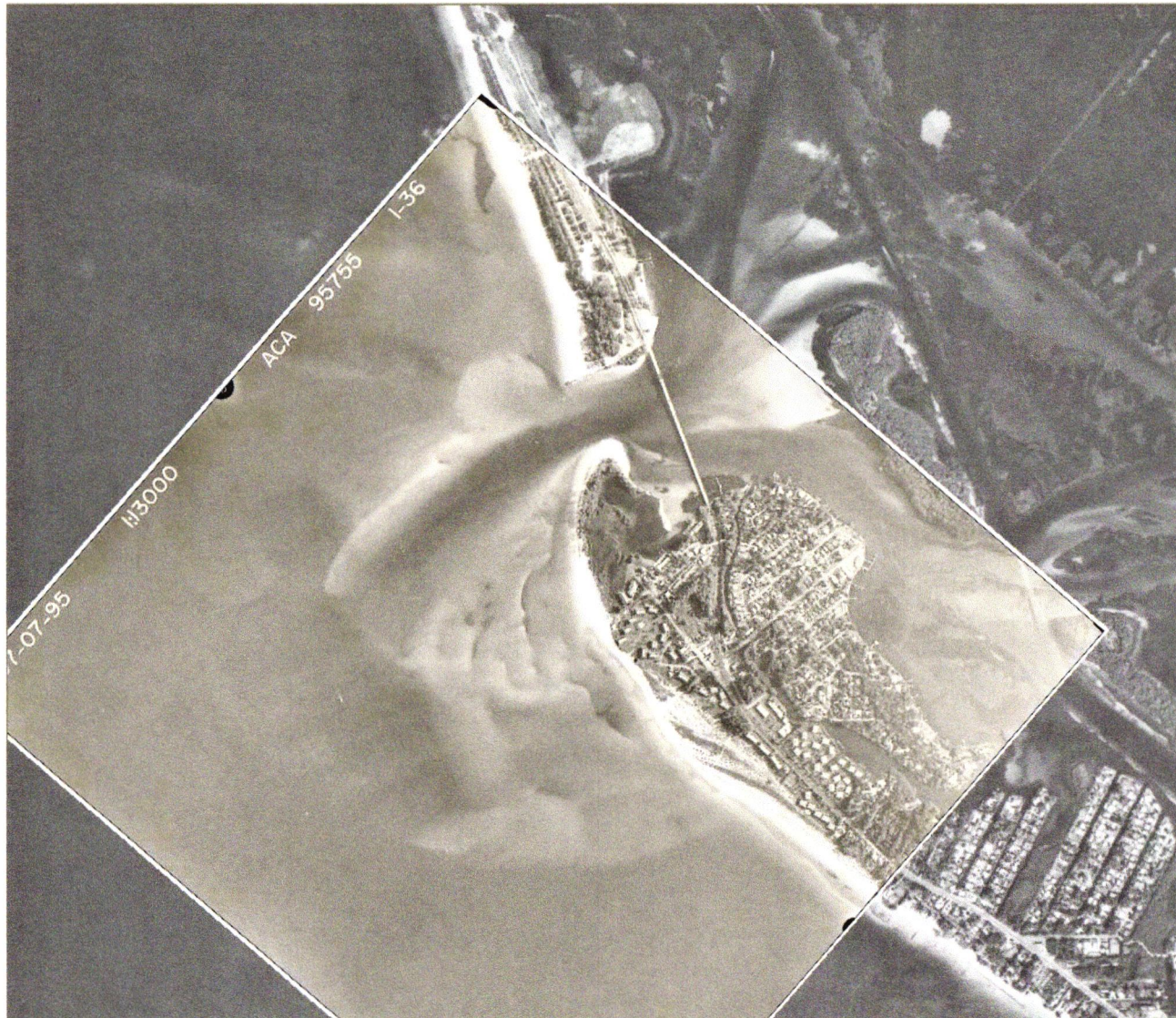


Figure A-16. Longboat Pass 1995 Aerial

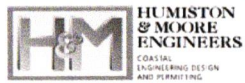
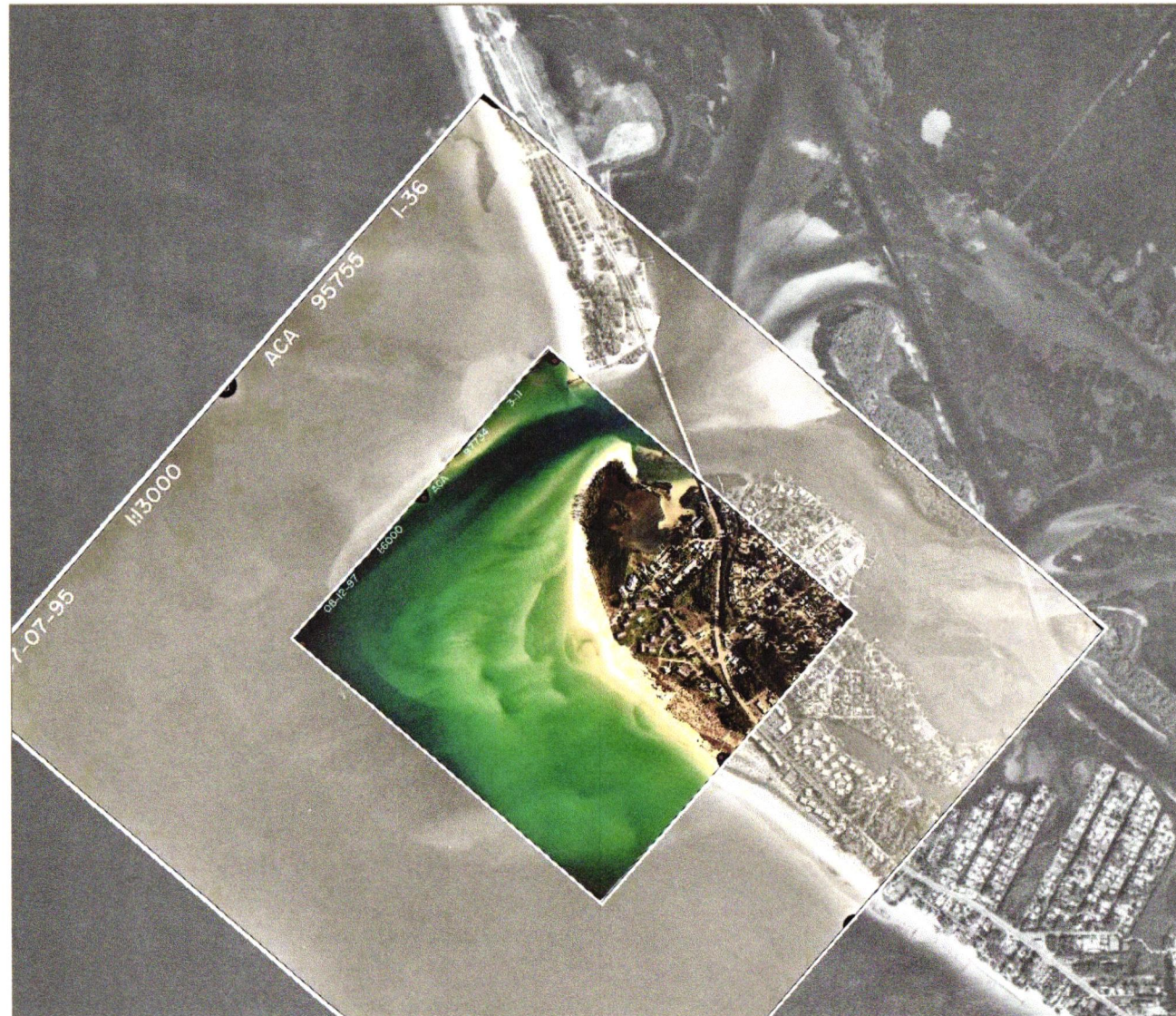


Figure A-17. Longboat Pass 1997 Aerial



Figure A-18. Longboat Pass 2001 Aerial

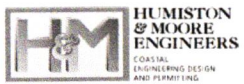


Figure A-19. Longboat Pass 2003 Aerial



Figure A-20. Longboat Pass 2004 Aerial

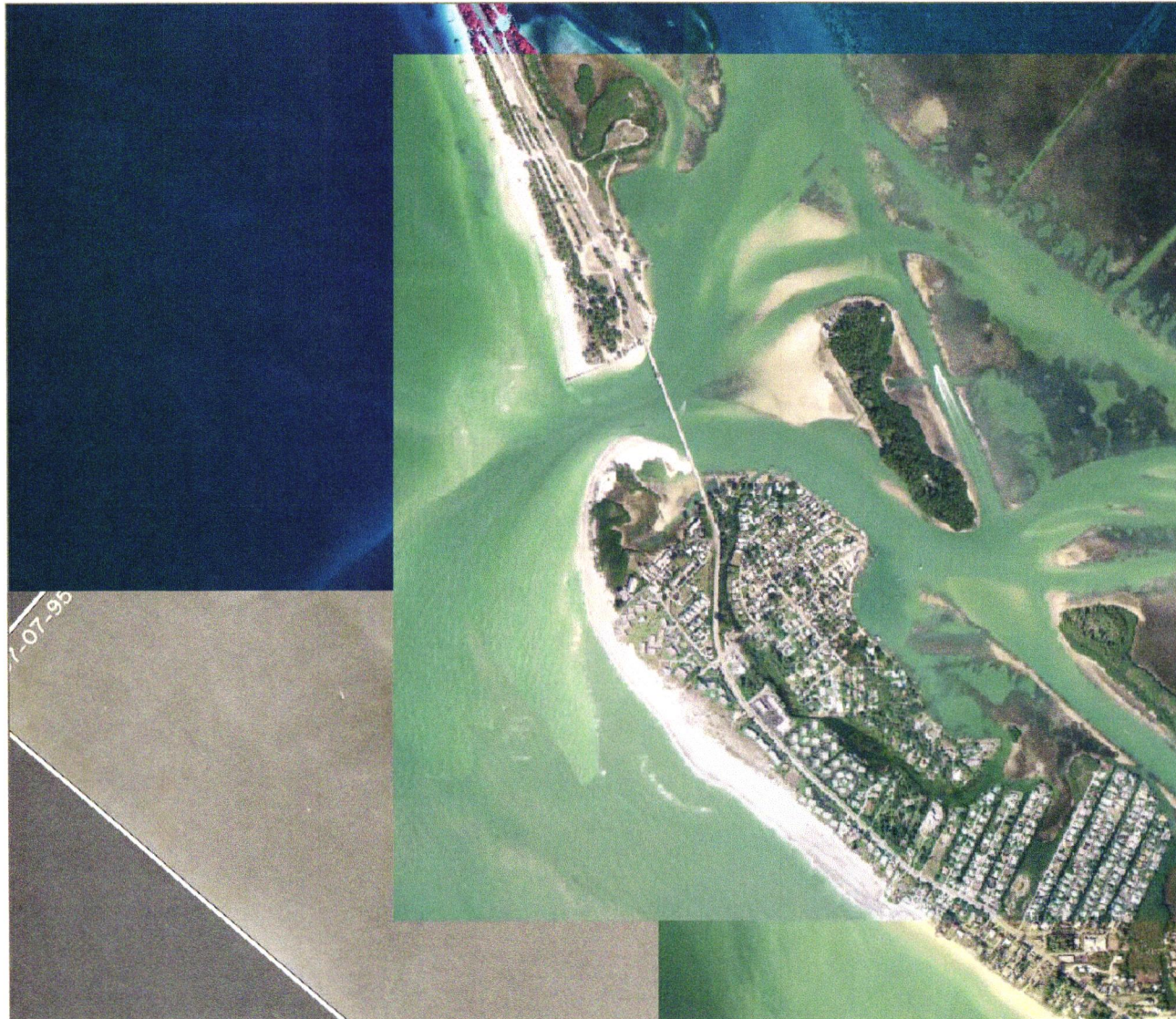


Figure A-21. Longboat Pass 2006 Aerial

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.

P 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.

Y 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

Beer Can

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
William M. Kreag

WMK:tl
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:

NOTE "LAND
CONNECTING"

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

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

Subsequent aerial photographs show that there has been a buildup of land since the 1960 storm, reconnecting "Beer Can Island" to Longboat Key. Neither the breach nor the reconnection has any effect upon ownership.

The photographs also show what apparently is an old bridge abutment, a remnant of the bridge destroyed by storm in the 1930's. The evidence indicates that this abutment is not connected to the land for which Mr. Conrad has requested a disclaimer.

At one time, another island did exist in Longboat Inlet. This was described in a report from the Chief of Engineers, United States Army, dated October 9, 1947, as part of a cooperative Beach Erosion Study of Anna Maria and Longboat Keys, Florida. This report states that in 1932 or 1933, the southern tip of Anna Maria Key was breached, thus forming an island in Longboat Inlet. According to the U. S. Army report, "by 1940 this island had eroded to about 75 feet in diameter" and the island had disappeared entirely by the date of the report.

Since the erosion of the island referred to in the U. S. Army report, the only island in Longboat Inlet is that one created by the breach of the neck of the peninsula of built-up land attached to the northern end of Longboat Key and to Mr. Conrad's property. This island has been rejoined with Longboat Key by additional built-up land.

When dealing with the problem of build-up land, or accretion, the law is relatively clear. When new land builds against upland bordering on water, the new land belongs to the owner of the upland. No one else has any legal claim or interest in the new land other than the owner of the upland.

All the evidence presented thus far indicates that the land known as "Beer Can Island" is a buildup of new land onto upland on the northern end of Longboat Key. This upland belongs to Mr. Conrad.



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

Joel Kuperberg
 Executive Director

TELEPHONE 224-2101

2/9/1972
 WITH 1/31/72
 ATTACHMENTS

Thank you for contacting Governor Askew concerning "Beer Can Island." He has taken this matter up with me and asked that I respond for him.

We share your concern that the State of Florida retain ownership of every foot of beachfront to which it is legally entitled. The Trustees' staff is vitally concerned with the preservation and protection of state lands, particularly those bordering on water. Every situation involving such lands which comes before the Trustees' staff is carefully scrutinized so that any and all rights the state may have in the situation may be fully protected. Unfortunately, documentary evidence presently available in this situation indicates that the state has no legal claim to the lands involved.

In order to explain the "Beer Can Island" matter, and why we have taken our present position, we are enclosing some background information. We have also enclosed a page of sketches which portray the various land forms over the past four and one-half decades. If, after reviewing this, you have unanswered questions, please let me know.

Sincerely,

Joel Kuperberg
 Executive Director

JK/pjh

Enclosures

Reubin O'D. Askew
 Governor

Richard (Dick) Stone
 Secretary of State

Robert L. Shavin
 Attorney General

Fred O. Dickinson, Jr.
 Comptroller

Thomas D. O'Malley
 Treasurer

Floyd T. Christian
 Commissioner of Education

Doyle Conner
 Commissioner of Agriculture

LONG BEACH

ON
LONGBOAT KEY
MANATEE COUNTY FLA.



...LEGEND...
REMAINING UN-RESERVED LOTS

State of Florida,
County of Sarasota.

KNOW ALL MEN BY THESE PRESENTS that the First Trust Company of Sarasota, Trustee of the owners of the land shown on this Plat, and situated in the subdivision known as 'Long Beach' in a portion of Longboat Key, in the Florida Subdivision, a part of Gulf of Mexico, Sec. 22, T. 35 S., R. 16 E., Manatee County, Florida, according to plat thereof recorded in Plat Book 1 Page 306, Public Records of Manatee County, Florida, do hereby certify that the following are the lots shown on this Plat as a required order of sale as shown on this plat as a required order of sale Chapter 1012, H.B. of 1921, State of Florida, that each lot and block of this plat of Long Beach is identical in all respects with a lot comprising the same land as the corresponding numbered lots and blocks of the plat of Long Beach, recorded in Plat Book 4, by Public Records Manatee County, Florida; that each lot in Column below headed Column A and each lot below headed Column B and each lot below headed Column C are identical in all respects with the lot in the column below headed Column A, B or C, respectively, in the former Plat of Long Beach, recorded in Plat Book 1, Page 306, Public Records Manatee County, Florida.

County Highway Engineers Certificate
State of Florida
County of Manatee
I, the undersigned County Highway Engineer do hereby certify that the plat of Long Beach, Manatee County, Florida, is correct and true in all respects with the lot in the column below headed Column A, B or C, respectively, in the former Plat of Long Beach, recorded in Plat Book 1, Page 306, Public Records Manatee County, Florida.

County Attorneys Certificate
State of Florida
County of Manatee
I, the undersigned County Attorney for the Board of County Commissioners do hereby certify that the plat of Long Beach, Manatee County, Florida, is correct and true in all respects with the lot in the column below headed Column A, B or C, respectively, in the former Plat of Long Beach, recorded in Plat Book 1, Page 306, Public Records Manatee County, Florida.

County Clerks Certificate
State of Florida
County of Manatee
I, H. H. Hoach, Clerk of Circuit Court of Manatee County, do hereby certify that I have examined the plat of Long Beach, Manatee County, Florida, and find it correct and true in all respects with the lot in the column below headed Column A, B or C, respectively, in the former Plat of Long Beach, recorded in Plat Book 1, Page 306, Public Records Manatee County, Florida.

Engineers Certificate

Column A	Column B	Column C	Block
1	1	1	1
2	2	2	2
3	3	3	3
4	4	4	4
5	5	5	5
6	6	6	6
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99	99	99	99
100	100	100	100

Witness the Corporate Name and Seal of said Corporation this 10th day of March, A.D. 1927.

Witness Henry V. Taylor, President.

First Trust Company of Sarasota, Trustee.

Witness J. J. ... Clerk of Circuit Court.

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First Trust Company of Sarasota, Trustee.

Witness J. J. ... Clerk of Circuit Court.

F. R. Webb & Associates Inc.
Civil Engineers Bradenton, Fla.
December 1926
Scale 1"=200'

Subscribed and sworn to before me this 10th day of March, A.D. 1927.

Notary Public

My Commission Expires April 1, 1927

72-1346

IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL CIRCUIT IN AND FOR
MANATEE COUNTY, FLORIDA

FRANK J. CONRAD and MARJORIE L.)
CONRAD,)
)
Plaintiffs,)
)
-vs-)
)
REUBIN O'D. ASKEW, Governor, et al.,)
as and constituting the Trustees)
of the Internal Improvement Trust)
Fund of the State of Florida,)
)
Defendants.)

CASE NO: CA 5879
12-379

MF CASES
5856-
5940
BOX #111

STIPULATION FOR SETTLEMENT

To effect a settlement and resolution of the issues presented in this cause, it is hereby stipulated and agreed by and between all of the parties in this cause, by and through their undersigned attorneys that:

1. The property described in Schedule "1" attached hereto and made a part hereof includes all of the accretion to Blocks 38 and 39 of Longbeach Subdivision, as per plat thereof recorded in Plat Book 6, Page 66, of the Public Records of Manatee County, Florida, as located in Longboat Pass on August 1, 1973. While the water boundaries of said accretion are intended to be described by the metes and bounds description in Schedule "1" (and shown on surveyor's sketch of same attached hereto marked Exhibit "D"), it is agreed by the parties that the boundary between public and private ownership as to such accretion shall always be the mean high water line (herein sometimes referred to as the mean high tide line), except as modified by paragraph 7 of this Stipulation.

2. It is agreed that the descriptions contained in said Schedule "1" and other legal descriptions attached hereto, intend to

FILED FOR RECORD
M.T. MCINNIS
CLERK CIRCUIT COURT
MANATEE COUNTY FLORIDA

JAN 22 3 02 PM '74

describe property with navigable water boundaries, and while said parcels of real property may be described by a metes and bounds description, said descriptions are intended to track the mean high tide line as of August 1, 1973, and are intended to include the respective parcels of property therein described, whether accretion or otherwise, together with any accretion to said property, and together with all riparian rights appurtenant to the described property. If there is any error in the survey of August 1, 1973, as to location of the mean high tide line on that date (elevation 1.46 feet mean sea level datum) the parties shall not be bound by such erroneous line but the actual mean high tide line as it existed on that date shall govern.

3. Sarasota Bank and Trust Company, as Trustee, has, since the filing of this suit become the owner of record of all of Blocks 38 and 39, Plat of Longbeach Subdivision, Plat Book 6, Page 66, Public Records of Manatee County, and is entitled to be substituted as sole Plaintiff herein and is entitled to file an amended complaint setting forth its ownership and claim.

4. That Sarasota Bank and Trust Company, as Trustee, (hereinafter sometimes called "Bank" or "Plaintiff"), represents that it is the owner of said Blocks 38 and 39 of said Longbeach Subdivision, that Plaintiff has properly deraigned its title, and such deraignment shows that said Plaintiff has record title to said Blocks 38 and 39 of said Longbeach Subdivision. A title opinion, dated December 27, 1973, rendered by Bank's counsel, Kirk, Pinkerton, Sparrow, McClelland and Savary, P.A., Attorneys at Law, Sarasota, Florida, relating to ownership of said Blocks 38 and 39, has been given by Plaintiff to Defendants and is relied upon by Defendants in entering into this stipulation.

of any kind constructed or placed on said property other than in connection with protection of the property from natural elements, and then only with applicable local, state and federal permits.

10. Should avulsion remove a portion of the upland parcel described in attached Schedule "C" lying within 200 feet of the agreed boundary (Schedule "B") Plaintiff, its successors or assigns, shall not fill in, or cause to be refilled, the upland so removed, without consent of Manatee County, and compliance with other applicable laws. This agreement shall be in the form of a covenant running with the land binding upon Bank, its successors and assigns.

11. The parties shall forthwith cause to be prepared, executed and delivered, any and all instruments in their proper form necessary and proper to implement and carry out the foregoing stipulations and agreements, which instruments shall incorporate the appropriate restrictions and conditions relating to the various parcels herein contemplated. Each party represents to the other that its official governing Board has approved this settlement and the appropriate steps herein contemplated necessary to carry it out.

12. The parties shall individually and jointly use their best efforts to obtain a court order approving the foregoing Stipulation For Settlement and entry of Final Judgment herein based upon the Third Amended Complaint, this Stipulation, and papers now on file in the court file herein, without necessity of further pleadings or hearings.

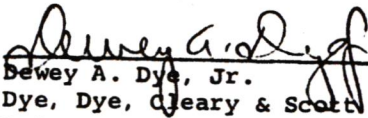
13. The Injunction heretofore issued against Defendants Trustees of the Internal Improvement Trust Fund of the State of Florida on April 28, 1972, may be dissolved by the Circuit Court in and for Manatee County upon the filing in that Court of this Stipulation upon application by any party hereto without further notice or hearing.

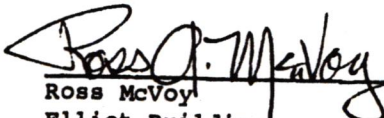
14. Each party shall pay its own costs in connection with this litigation.


15. This agreement and stipulations heretofore set forth shall be binding upon and shall inure to the benefit of the heirs, and assigns, successors or delegates of the parties hereto, unless herein otherwise provided.

16. The attached Schedule "1", Schedules "A", "B" and "C" and Exhibits "D", "E", "F", "G", "H" and "I" are incorporated by reference into this agreement to the same effect as if set forth in full where referred to.

DATED this 14 day of January, 1974.


Dewey A. Dye, Jr.
Dye, Dye, Cleary & Scott
P.O. Box 9480
Bradenton, Florida 33506
Attorney for Plaintiff


Ross McVoy
Elliot Building
Tallahassee, Florida
Attorney for Trustees of the Internal
Improvement Trust Fund


Warren M. Goodrich
Goodrich & Hampton
406 13th Street West
Bradenton, Florida 33505
Attorney for Manatee County

MAR 1971

14
SECTION 15 AND 21, TOWNSHIP 30 S., RANGE 16 E., COUNTY OF HILLSBOROUGH, FLORIDA
CONRAD BANK
BLOCK 39
MAY 1966
DEC 1960

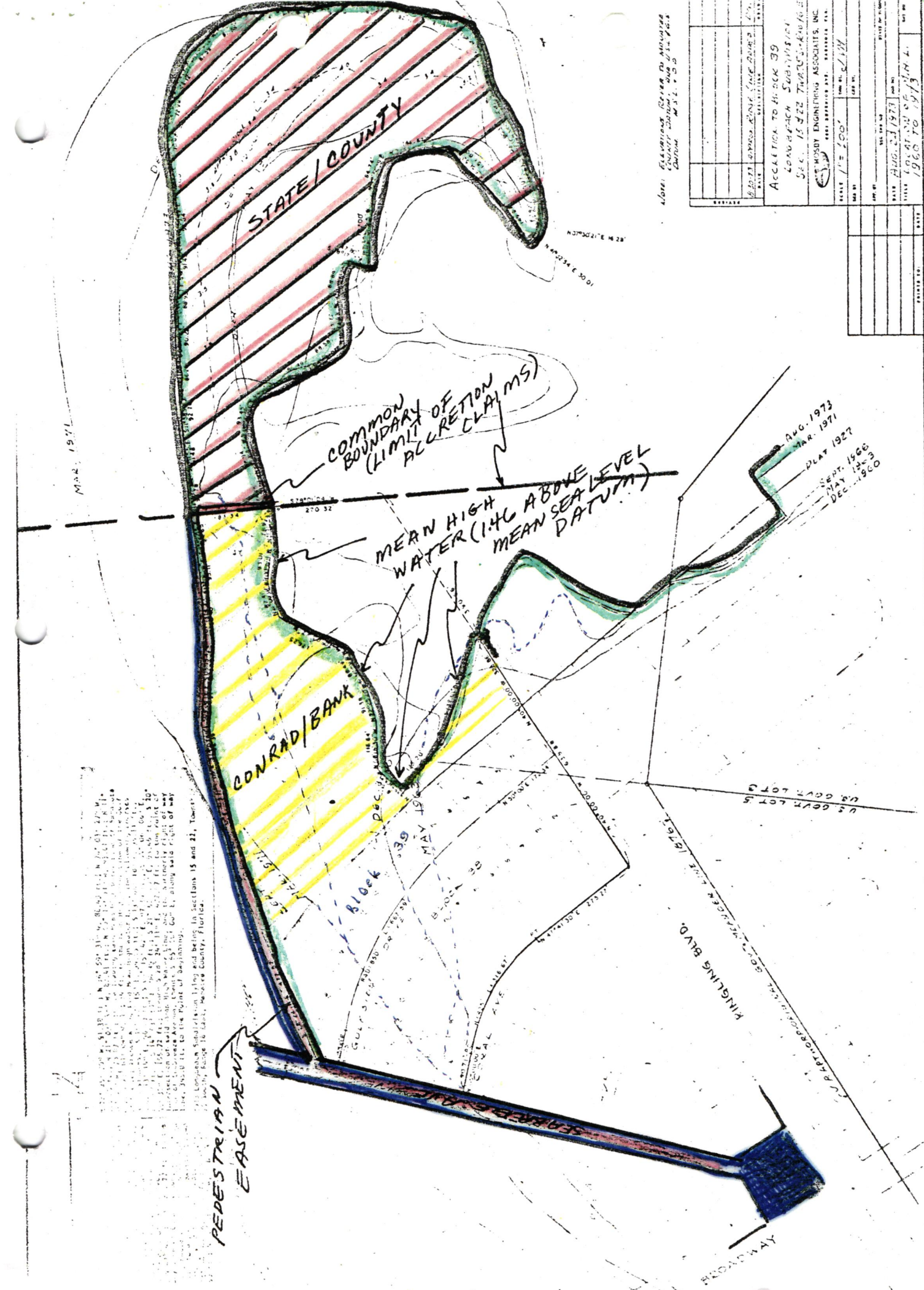
PEDESTRIAN EASEMENT

CONRAD/BANK

STATE/COUNTY

COMMON BOUNDARY OF RETENTION (LIMIT ACCRETION CLAIMS)

MEAN HIGH WATER (1/4" ABOVE LEVEL MEAN SEA LEVEL DATUM)



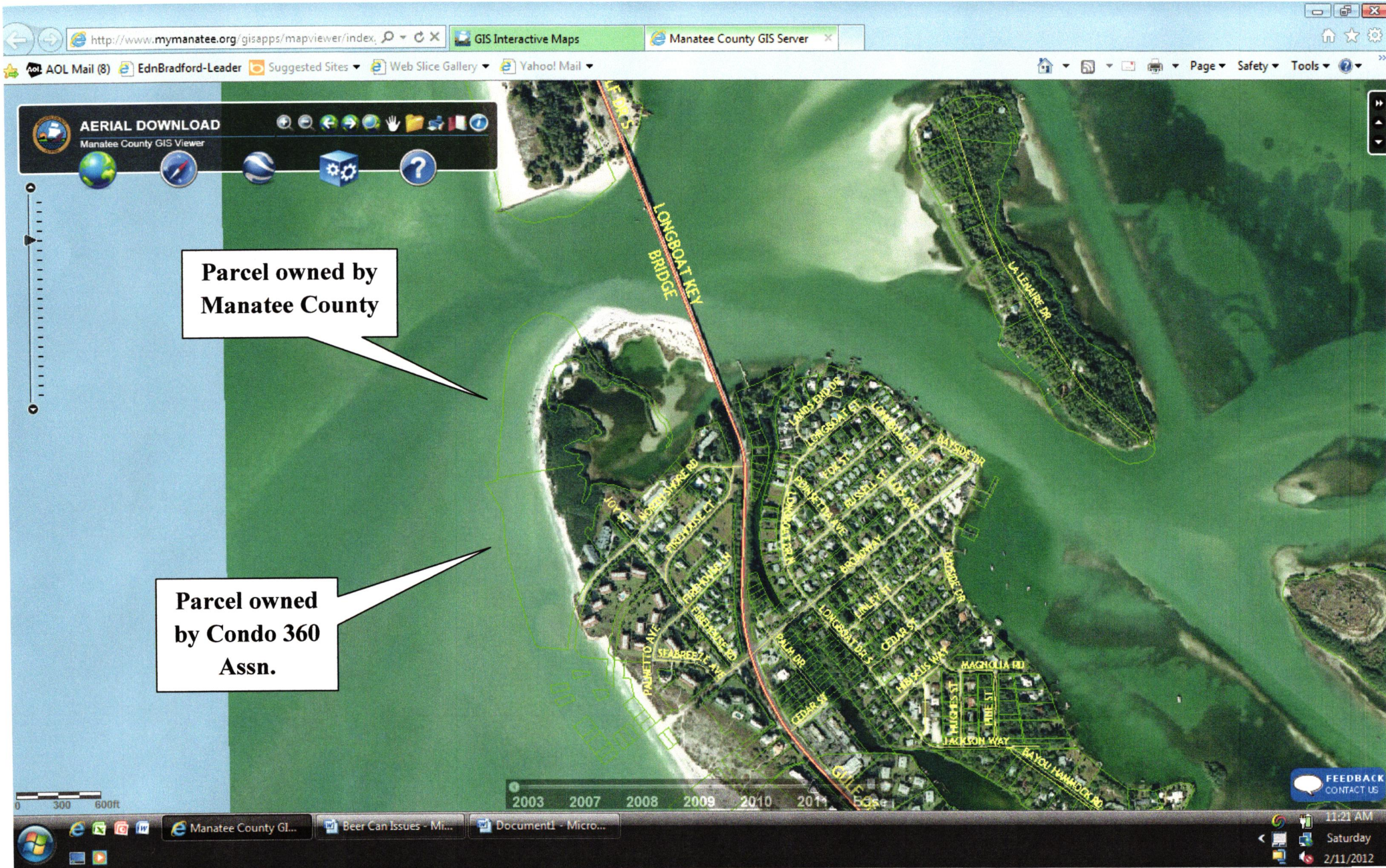
Notes: ELEVATIONS REFER TO ANGLING COUNTY DATUM, AND U.S. DATUM DATUM M.S.L. 1929

DATE	1971
BY	W. J. ...
FOR	...
SCALE	1" = 100'
APP. NO.	...
DATE	AUG. 23, 1973
BY	...
FOR	...
SCALE	1" = 100'
APP. NO.	...
DATE	1960 TO 1973
BY	...
FOR	...

AUG. 1973
MAR. 1971
MAY 1966
DEC. 1960

otted street and public easement GREEN - ACCRETION LINE AND MEAN HIGH WATER
Yellow CONRAD/BANK OWNERSHIP SEP 8/71
ate / county ownership

From the Manatee County GIS System – See the 8 ½ x 17 Version for Better Clarity





APPROXIMATE MEAN HIGH WATER LINE +0.4' NAVD AS LOCATED BY COASTAL PLANNING AND ENGINEERING, INC. OCTOBER 17, 2009 TO OCTOBER 30, 2009.

EROSION CONTROL LINE MEAN HIGH WATER #0878 AS ESTABLISHED BY SMALLY, WELLFORD & NALVEN - CONSULTING ENGINEERS IN 1977

CONSTRUCTION TOE OF FILL

CONSTRUCTION BERM CREST

REMOVE DERELICT STRUCTURE (SEE TECHNICAL SPECIFICATIONS)

LANDWARD LIMIT OF FILL

STAGING AND CONSTRUCTION ACCESS

LEGEND:
 ▲ R-45 FDEP MONUMENTS

- NOTES:**
1. COORDINATES ARE IN FEET BASED ON FLORIDA STATE PLANE COORDINATE SYSTEM, WEST ZONE, NORTH AMERICAN DATUM OF 1983 (NAD83).
 2. ELEVATIONS ARE IN FEET REFERENCED TO NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88).
 3. PROFILE AND TOPOGRAPHIC AND HYDROGRAPHIC SURVEY CONDUCTED OCTOBER 17, 2009 TO OCTOBER 30, 2009. SUPPLEMENTAL DATA COLLECTED ON JANUARY 18, 2010.
 4. EROSION CONTROL LINE AND MEAN HIGH WATER #0878 AS LOCATED BY SMALLY, WELLFORD & NALVEN - CONSULTING ENGINEERS IN 1977.
 5. DATE OF AERIAL PHOTOGRAPH : DECEMBER 30, 2009.



CERTIFICATION:
 I CERTIFY THAT THESE PLANS ARE IN COMPLIANCE WITH THE APPLICABLE SECTIONS OF 62B-41, F.A.C.

DOUGLAS W. MANN P.E. NO. 44046

DATE

COASTAL PLANNING & ENGINEERING, INC.
 2481 N.W. BOCA RATON BOULEVARD
 BOCA RATON, FLORIDA 33431
 PH. (561) 391-8102
 FAX (561) 391-8116
 www.CoastalPlanning.net
 C.O.A. FL #4028

Reference Files	Designed by	Checked by	Revisions
Sheet_1.dwg	DM	AMB	
	Drawn by	Reviewed by	
	AMB	DM	
	Date:	Submitted by:	
	6/16/10	DM	
	Plot Scale:	Comm. No.:	
	AS NOTED	8485.18	
		No. 1	Date
			Description

TOWN OF LONGBOAT KEY
 NORTH END
 BEACH NOURISHMENT PROJECT
 PLAN VIEW

DRAWING NO.
PV-1
 SHEET 3 OF 9



0 275 550 1,100 Feet



Beer Can Island Agreement OK

By BILL HAGER
Herald-Tribune Staff Writer
You can't always get all you want, attorney Warren Goodrich said Thursday, but when you get what you really need, then take it.
Manatee County Commissioners agreed, and voted unanimously to accept an of-

fer from developer Frank Conrad which will retain Beer Can Island for the public and afford them permanent access to it.
"Our objective was to save Beer Can Island, and by accepting this compromise we have saved Beer Can Island," Goodrich said.

Some north Longboat Key residents, who live near the point where the sand-covered island attaches to the mainland, complained the county wasn't getting all the land it could.
But Goodrich said continuation of a court case filed by Conrad to claim ownership

of the island would be at best a "long shot" from the county's standpoint.
At the worst, he added, Conrad could wind up owning Beer Can Island, on a claim that belongs to him through natural accretion.
The compromise, which Goodrich speculated was of-

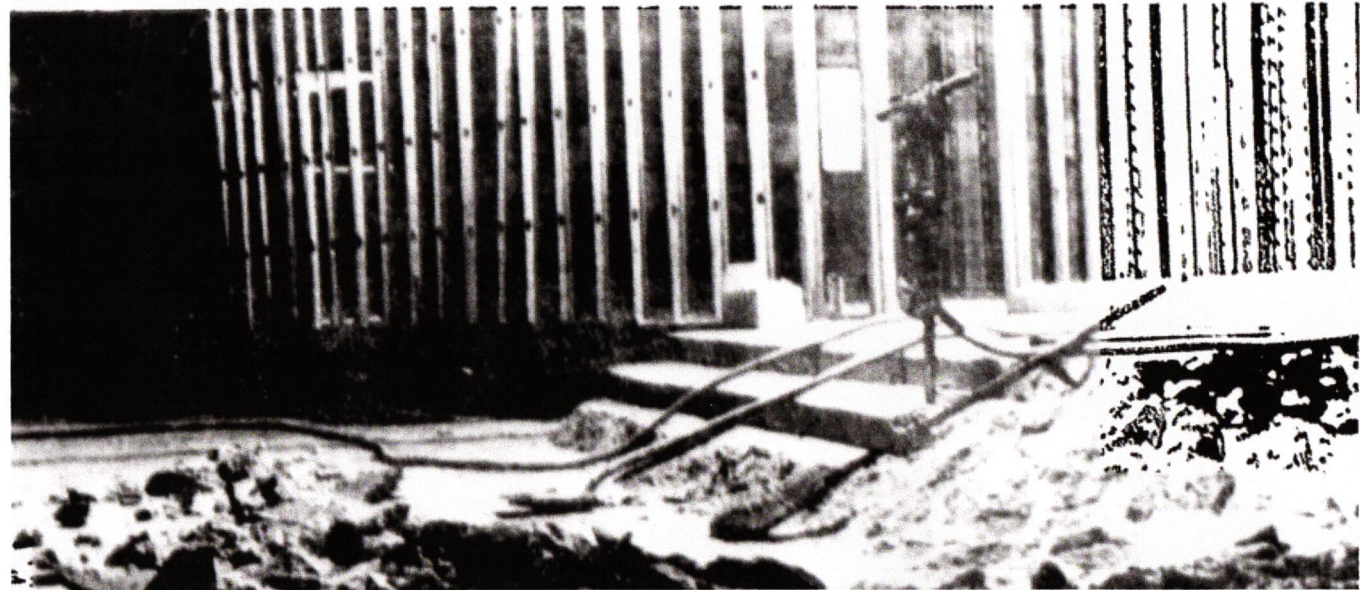
fered "because time is on the public's side," contained these clauses:
-Manatee County will become owner - by Conrad's disclaimer - of all lands (12 acres) north of an imaginary line midway along the narrow isthmus which links Beer Can Island to the mainland.

-Conrad will receive the county's disclaimer to all lands south of the line up to Joy Street. That will add slightly more than seven acres to his present holding.

-No development of any nature will be established on Beer Can Island. The entire island is to remain in its natural state.

-A "perpetual pedestrian easement" 10 feet above the mean high water mark will be granted by Conrad. The easement will allow the public to reach Beer Can Island from the south.

-If at any time the slender neck connecting Beer Can and Longboat is washed out, it will be filled only with the



Archive Search Help

Page Two

-If at any time the slender neck connecting Beer Can and Longboat is washed out, it will be filled only with the county's consent, and any fill costs will be shared on a pro-rata basis.

Some of the dissenters to Thursday's action questioned whether Beer Can Island itself will long exist.

A civil engineer, Jim Smiley, said the island is just a temporary condition, and Longboat Pass channel actually stretches from the southern end of Anna Maria Island to the north end of Longboat.

A hurricane or severe tides could wash the island away at any time, and therefore the question of private ownership of the island is a waste of time and money, he opined.

He also said the federal government owns the island, if anyone does.

Goodrich said Smiley was "flatly wrong. The U.S. government doesn't have any interest in this. There is no question in the law that accretion belongs to the upland owners."

Goodrich added the Conrad case is not going to disappear just because there are claims



Page Three

all newspapers

he has no interest in E Can Island.

Mrs. Homer Greer tended Goodrich overlooked a Supreme Court decision which held acreage in navigable waters belong to the government.

"I didn't forget. It is true," Goodrich replied.

Mrs. Greer's husband tended some of the acreage claimed by Conrad in a compromise actually should belong to the public.

"What's being confused here is what we'd like to have and what we're entitled to have," Goodrich said.

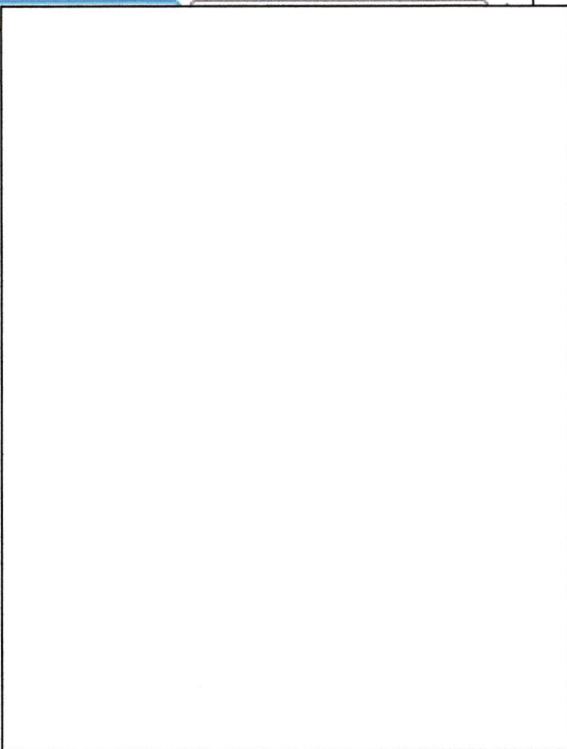
Commissioner L. H. Forstmann up the county's position.

In 1971 we convinced the state to issue a disclaimer to the county, rather than to Conrad. And we agreed not to spend tax dollars to defend the public's ownership rights.

"It's come to the point now where our attorney feels we have won and should accept a compromise. This could be litigated for years, with the expenditure of considerable tax money and time; also, it would be a calculated risk on our part."



Page Four



'It's come to the point now where our attorney feels we have won and should accept a compromise. This could be litigated for years, with the expenditure of considerable tax money and time; also, it would be a calculated risk on our part.'

Commissioners unanimously adopted Goodrich's recommendation, with the stipulation county maintenance vehicles be permitted to travel the easement.



**This is the Link to the Herald Tribune Article Announcing the
Settlement of the Beer Can Island Lawsuit**

<http://news.google.com/newspapers?nid=1755&dat=19730928&id=i7oqAAAAIBAJ&sjid=ymYEAAAAIBAJ&pg=3669,5311284>

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

DEED SUBJECT TO REVERSIONS

NO. 25461

AND

3/15/74
~~4/12/74~~

KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, the State of Florida Board of Trustees of the Internal Improvement Trust Fund has approved, pursuant to agenda item no. 27, December 4, 1973, the settlement of Frank J. Conrad and Marjorie L. Conrad, his wife, vs. Reubin O'D. Askew, et al, in the Circuit Court in and for Manatee County, Florida, Case No. CA-5879, and

WHEREAS, that settlement provides for the conveyance by the State of Florida Board of Trustees of the Internal Improvement Trust Fund to Manatee County, a political subdivision of the State of Florida, and

WHEREAS, under authority of law, the State of Florida Board of Trustees is charged with the right to dispose of, sell and convey lands vested in said State of Florida Board of Trustees of the Internal Improvement Trust Fund,

NOW, THEREFORE, the State of Florida Board of Trustees of the Internal Improvement Trust Fund, under authority of law, for and in consideration of the sum of Ten and 00/100 (\$10.00) Dollars and other good and valuable consideration in hand paid by Manatee County, a political subdivision of the State of Florida, does sell and remise to said Manatee County, all of right, title and interest, claim and demand, which the State of Florida Board of Trustees of the Internal Improvement Trust Fund may have in and to the following described lands located in Manatee County, Florida:

SCHEDULE "A"

Commence at the Southeasterly corner of Block 38, Longbeach Subdivision, recorded in Plat Book 6, Page 66 of the Public Records of Manatee County, Florida, said point also being the Northwesterly corner of the intersection of Coral Avenue and Seabreeze Avenue; thence along the Northwesterly right-of-way line of said Coral Avenue to the Point of Intersection of said right-of-way line of Coral Avenue, and the Southwesterly right-of-way line of Coral Avenue, and the Southwesterly right-of-way line of Ringling Blvd.; thence N 40°00'00" W, along said right-of-way line, 639.88 ft. to the existing Mean High Water Line of Sarasota Bay; thence along said Mean High Water Line, the following courses and distances, S 13°30'00" W, 280.0 ft.; S 33°24'09" W, 125.20 ft.; N 53°58'31" W, 81.50 ft.; N 08°18'30" W, 116.64 ft.; N 22°25'20" W, 91.38 ft.; N 36°59'31" W, 88.49 ft.; N 70°03'27" W, 176.25 ft.; N 21°09'38" W, 82.41 ft.; N 00°19'11" W, 93.01 ft.; N 11°10'34" W, 78.87 ft. to the Point of Beginning; thence continue northerly more or less along said Mean High Water Line on the following courses and distances: N 22°09'59" W, 78.45 ft.; N 29°18'47" W, 88.94 ft.; N 06°46'26" E, 93.45 ft.; N 54°46'00" E, 72.21 ft.; N 58°48'12" E, 86.49 ft.; N 45°51'07" E, 88.58 ft.; N 15°13'58" W, 113.72 ft.; N 10°56'23" E, 88.89 ft.; S 78°17'17" E, 47.80 ft.; N 02°51'25" W, 177.00 ft.; N 15°56'29" E, 84.74 ft.; N 72°23'27" E, 141.57 ft.; S 50°51'52" E, 151.80 ft.; S 41°38'19" E, 149.97 ft.; N 41°32'54" E, 30.01 ft.; N 07°30'21" E, 16.28 ft.; N 10°53'59" W, 62.82 ft.; N 23°49'57" W, 85.07 ft.; N 24°59'12" W, 71.03 ft.; N 38°00'08" W, 80.37 ft.; N 23°14'13" W, 80.23 ft.; N 18°08'46" W, 86.46 ft.; N 54°27'37" W, 62.84 ft.; N 85°39'39" W, 81.19 ft.; N 80°01'56" W, 82.11 ft.; N 89°45'49" W, 78.27 ft.; S 79°29'58" W, 90.70 ft.; S 76°10'56" W, 90.87 ft.; S 79°42'42" W, 86.74 ft.; S 52°21'23" W, 87.86 ft.; S 32°36'00" W, 87.59 ft.; S 22°32'17" W, 84.12 ft.; S 01°36'44" W, 72.98 ft.; S 11°02'42" E, 90.02 ft.; S 12°50'58" E, 94.00 ft.; S 10°56'49" E, 92.04 ft.; S 08°06'58" E, 91.43 ft.; S 03°05'01" E, 88.93 ft.; S 06°15'24" E, 90.22 ft.; S 10°21'08" E, 86.26 ft.; S 11°38'30" E, 92.78 ft.; S 10°11'55" E, 91.48 ft.; S 11°58'07" E, 93.78 ft.; to a point on the Mean High Water Line where the Point of Beginning bears N 78°01'04" E, thence N 78°01'04" E, 183.34 ft.; to the Mean High Water Line of Sarasota Bay, being the Point of Beginning.

Said property immediately above-described lying and being in Sections 15 and 22, Township 35 South, Range 16 East, Manatee County, Florida.

State - County Property

This conveyance is subject to the following conditions:

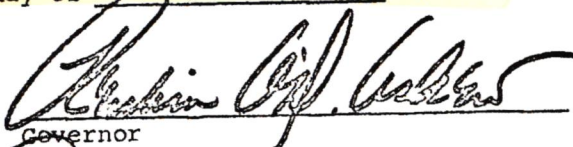
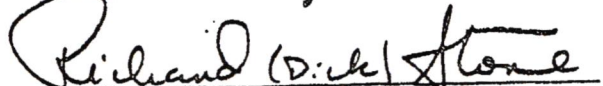
1. The foregoing property shall be kept in its natural state in perpetuity and preserved as a natural wilderness recreational area and wildlife preserve. No man-made alterations shall be caused or structures of any kind constructed or placed on said property other than in connection with the protection of the property from natural elements, and then only with applicable local, state and federal permits.

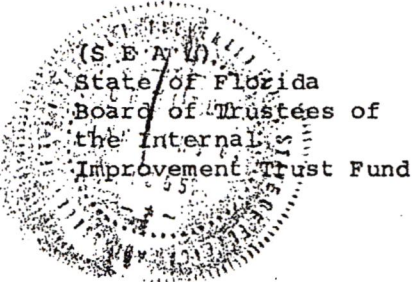
2. The use of motor driven wheeled vehicles shall be prohibited on the described property except for emergency, public or service vehicles performing official duties relating to public health, safety and welfare.

3. Should it be judicially established that the grantee has substantially violated the foregoing conditions, title to the said land together with the access easement hereinafter provided shall revert to the State of Florida Board of Trustees of the Internal Improvement Trust Fund.

The State of Florida Board of Trustees of the Internal Improvement Trust Fund hereby assign, convey and set over onto Manatee County, a political subdivision of the State of Florida, that certain access easement to and from the described property granted by Sarasota Bank And Trust Company, a State Banking Association, as Trustee, to the grantor herein by deed dated the 6 day of March, 1974, recorded in O.R. Book 660, Page 695, Public Records of Manatee County, Florida.

IN WITNESS WHEREOF, the said parties have hereunto set their hands and seals the 15 day of March, 1974.


Governor

Secretary Of State



Robert L. Sherr
Attorney General

J. Dickerson
Comptroller

Thomas D. Smalley
Treasurer

Floyd T. Christian
Commissioner of Education

Deft. Coover
Commissioner of Agriculture

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

710388

498263
FILED AND RECORDED
APR 4 4 22 PM '74
M. T. McINNIS, CLERK
MANATEE CO. FLA.

ACCEPTED By Manatee County this 2nd day of April, 1974.

BOARD OF COUNTY COMMISSIONERS
MANATEE COUNTY, FLORIDA

By: [Signature]
Chairman

ATTEST:

M. T. McInnis
Clerk of Circuit Court
By: [Signature]
Deputy Clerk

The Beer Can Island Lawsuit, legal supporting documents, and Final Settlement are located in:

- **The Manatee County Clerk's Office**
- **The Department of Family and Civil Matters**
- **Stored on microfilm in the basement**
- **Case reference number 72-1346 (There are other related case numbers but this is the case number recognized by the Clerk)**
- **Stored in box "5856 – 5980", box #111**
- **Contact Kathy Steinmetz or Rhonda Powers – 941 741 4025**

A copy of the Lawsuit and Final Settlement (but not all the supporting legal documents) is located in the Town of Longboat Key Clerk's Office. The file is identified as _____

- **Unlike the official legal file on microfilm at the Manatee Clerk's office, the Longboat Key Clerk's file includes:**
- **Laypersons' summaries**
- **Correspondence between the Town, the State, Manatee, County, interested parties and the like**
- **Newspaper articles**
- **Hand drawn maps and sketches**
- **Photographs**
- **And similar information**
- **The final Revitalization Task Force Beer Can Island Study will be maintained in a special file along with the documents listed above**

Documents in Possession of the Revitalization Task Force

- **Complaint**
- **Deed (Signed) (Subject to Revisions) Including Schedule A (Manatee County)**
- **Deed also identified as Attachment B (Sarasota Bank and Trust)**

- **Deed also identified as Exhibit G (Sarasota Bank and Trust)**
- **Deed also identified as Exhibit F (Sarasota Bank and Trust)**
- **Deed also identified as Exhibit H (Manatee County)**
- **Stipulation to substitute the Bank for Conrad**
- **Stipulation to Settlement**
- **Final Judgment**
- **Final Judgment identified as Exhibit E**
- **Exhibits 1, 3, D**
- **Schedules 1, A, B, C, D**
- **Office record 660 pages 698, 704**
- **Exhibit to Deed**
- **Numerous historical newspaper articles and supporting documents**