

MANATEE COUNTY - Settlement of lawsuit involving claims of ownership to beachfront property.

- CASE: Frank J. Conrad and Marjorie L. Conrad and Sarasota Bank and Trust Company, Plaintiffs vs. State of Florida, Board of Trustees of the Internal Improvement Trust Fund, Case No. CA-5879, in the Circuit Court of the Twelfth Judicial Circuit, in and for Manatee County.
- LOCATION: Longboat Pass between Longboat Key and Anna Maria on the Gulf of Mexico in Section 15, Township 35 South, Range 16 East, Manatee County.
- NATURE OF CONTROVERSY: Beer Can Island is a spit of beachfront land attached to Longboat Key. It is not presently an island. Plaintiffs requested a disclaimer from the state to this spit. The Trustees deferred its issuance because of county and public interest in the property. Subsequently, the Trustees unanimously voted to quitclaim their interest to the county but were enjoined from this action. Plaintiffs filed suit to quiet title. Extensive litigation followed and this cause came up for trial September, 1973. Attorneys Warren Goodrich, Dan Haddock and Robert J. Boylston were vigorous in their representation on behalf of the county. At the time of trial, negotiations were renewed resulting in the proposed settlement of this cause.
- PROPOSED SETTLEMENT:
1. The spit will be divided into public and private ownership. Approximately 12.1 acres will be retained in public ownership and about 7.6 acres will be quitclaimed to plaintiffs.
  2. Plaintiffs will grant a right-of-way easement for pedestrian and non-motor traffic access (a covenant that will run with the land) across their upland. The access will be 10 feet wide.
  3. Based upon a survey by plaintiffs, none of the 19.7 acres in dispute is below the mean high tide line. It is a condition of this settlement that if there is any survey error, in that any part of the 7.6 acre tract is below the elevation of 1.46 mean sea level datum as of the date of the survey, the State shall not be bound by the erroneous survey.
  4. A common boundary line will be established by agreement of the parties beyond which the plaintiffs or their successors in interest may not claim accretion. This line will not be a permanent boundary line, however, and any erosion on plaintiffs' tract behind the line and below mean high tide will vest ownership of such land in the state.
  5. The Trustees will quitclaim the entire 19.7 acres to plaintiffs or their successors in interest. Plaintiffs or their successors will deed in fee simple 12.1 acres together with the access easement to the Trustees. (This procedure has certain title and tax benefits for plaintiffs that do not otherwise affect the interests of the State or County.)
  6. Plaintiff's will obtain a dissolution of Judge Taylor's injunction prohibiting the Trustees

(continued on next page)

*Agenda*  
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#27 continued:

from conveying their interest to the county upon approval of this settlement by the Trustees.

7. Upon dissolution of the injunction, the Trustees will convey their interest together with the access easement to the County. However, the Trustees' deed will contain a provision that the property be maintained as a public recreation area in its natural state; no permanent improvements shall 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 this provision are substantially violated, then the property ownership will revert to the State.

7. The plaintiffs or their successors shall be entitled to a stipulation and judgement quieting title to their 7.6 acre tract subject to the provisions of this item.

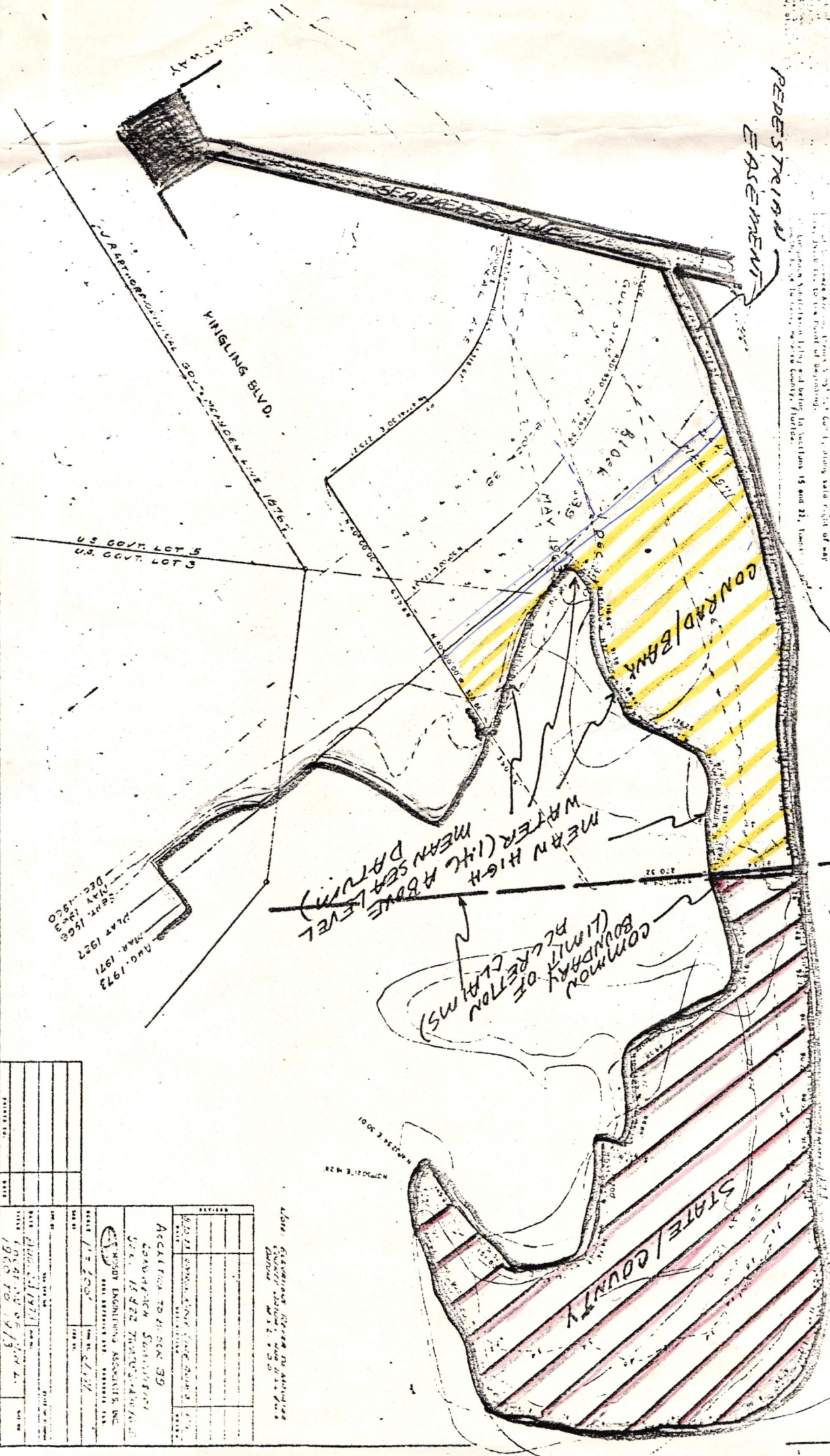
COMMENTS: Legal staff and the parties are in favor of settlement of this controversy on the terms as described in this item.

Staff recommends approval of the settlement as described in this item.

*Agenda*  
DEC 4 1973



Blue - plotted street and public easement green - Accretion line and mean high water line



PEDESTRIAN EASEMENT

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

COMMON BOUNDARY OF ACCRETION (LIMIT OF CLAIMS)

CONRAD/BANK

STATE/COUNTY

Aug. 1973  
May 1971  
Dec. 1968  
May 1963  
Dec. 1960

DATE	REVISION
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Beer (an Island