

## M E M O R A N D U M

**To:** Tom Harmer, Town Manager  
**From:** Allen Parsons, AICP  
Director, Planning, Zoning & Building Department  
**Report date:** January 13, 2022  
**Meeting date:** January 24, 2022  
**Subject:** Town Owned Property Inventory Overview

### **Recommended Action**

None, informational only.

### **Background**

The Town of Longboat Key (Town) owns, uses and manages lands within the Town for a number of different purposes. The primary distinction in what rights the Town has, and what these lands can be used for, has to do with whether the land is owned “fee simple<sup>1</sup>” or whether the Town has been granted an easement<sup>2</sup> for a specific purpose.

The Town owns 61 parcels of land fee simple (see Attachment A, available in the Town Clerk’s Office). Maps depicted on the memorandum associated with this item, are available in the Town Clerk’s Office.

These properties have a variety of uses, with some having multiple uses on a single parcel. Town buildings, including Town Hall, Public Works, the Library and the Police & Fire Department buildings occupy 6 parcels of land (Note: The Town Hall parcel also contains Bicentennial Park and part of the Tennis Center). Town Parks, including Bayfront Park, the Town Center, Joan M. Durante Park, and the Quick Point Nature Preserve occupy 13 parcels of land. The Town also owns 35 open space parcels including Sister Keys, Whale Key and large parcels adjacent to Lyons Lane and Binnacle Point Drive.

The vacant Town-owned property located adjacent to Binnacle Point Drive, between Emerald Harbor and Spanish Main is one that Town staff has received questions about from residents. A map highlighting that parcel is available in the memorandum associated with this item, available in the Town Clerk’s Office. That parcel was acquired in 1989 and is zoned Open Space-Conservation District. There are certain restrictions associated with the property that would limit the ability for it to be developed in the future. As conservation land this property is restricted by our Codes to “remain in natural state with little or no disturbance.”

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<sup>1</sup> Fee simple describes a landowner’s complete and total ownership of a piece of land. The fee simple owner may do anything they wish on the land as long as it falls within established easements and zoning laws

<sup>2</sup> An easement is the right to use another’s property for a specific purpose. Easements are not ownership interests in real property. For example, rights-of-way are easements that specifically grant the holder (i.e. the Town) the right to travel over another’s property. Therefore, all rights-of-way are easements, but not all easements are rights-of-way.

The Town's current inventory of fee simple owned properties does not include any that would be recommended to be considered "surplus," which generally means that a property is obsolete, or the continued use of which is uneconomical or inefficient, or which serves no useful function. Unlike many other jurisdictions, the Town does not have properties that have been acquired due to tax delinquencies, which are often candidates to be declared surplus and can be offered for sale or donation.

In addition to the fee simple owned properties, the Town has been granted easements for a number of specific public purposes such as public streets and alleys, sanitary sewers and storm drainage. These lands have been dedicated for various specific public uses as part of the platting process of the Town over time. These dedications do not operate as a grant or donation of the dedicated property, as technically the legal title to the property remains in the grantor (or grantees) while the public takes the beneficial use of the property. Effectively, the public acquires only a right of "easement in trust," so long as the dedicated land is used for the intended purpose of the dedication. In cases where such easements are vacated, because the Town does not intend to use a right-of-way, for example, for its intended purpose, the abutting owners on each side of right-of-way become the fee owners out to the center line.

Most of the Town's easements have been developed for their intended purpose and are generally the ongoing maintenance responsibility of the Town. In some cases, however, easements may still exist that have not been developed or fully developed for their intended purpose. An example of a not fully developed easement is shown in the memorandum associated with this item, available in the Town Clerk's Office. The image depicts where two street right-of-way easements in the Longbeach Village area, Magnolia Road and Jackson Way, have been developed as streets, but parts of their rights-of-way, closer to the Bay, have not been developed.

Questions arise from time to time regarding the Town's ability to develop such undeveloped rights-of-way for uses such as public passive parks and/or for public parking. Due to the limitations of the purposes for which easements were granted, the Town is generally restricted from the kinds of development rights that are associated with fee simple property ownership.

Town staff will continue to maintain the property ownership inventory information. Should there be a future donation, tax delinquency acquisition, or other property acquired by the Town considered as surplus, staff would bring to the Town Commission for consideration of keeping, being lawfully sold, or donated.

### **Staff Recommendation**

None, informational only.

### **Attachments**

- A. Property Inventory Table (Available in Town Clerk's Office)
- B. Property Ownership Map (Available in Town Clerk's Office)
- C. PowerPoint Presentation (Available in Town Clerk's Office)

**End of Agenda Item**