

From: [William Clague](#)
To: [Michael Elswick](#)
Cc: [Mitchell Palmer](#); [Pamela DAgostino](#); [Charlie Hunsicker](#); [Juliet Shepard](#)
Subject: Pine Island Conservation Easement; RLS-2017-0159
Date: Tuesday, March 21, 2017 1:40:45 PM
Attachments: [Pine Island Conservation Easement v1.docx](#)

Michael:

Pursuant to the above Request for Legal Services you have asked this office to prepare a draft conservation easement for the Pine Island property. The RLS does not spell out in detail the background of this transaction. In our phone conversation this morning you conveyed the following relevant facts:

1. The property is currently owned by SWFWMD, which desires to dispose of the property as surplus by quitclaim deed.
2. Both the County and the City of Bradenton ("City") contributed funds to SWFWMD for the original purchase of the property in order to protect it from development. Accordingly, SWFWMD acknowledges that the property cannot be sold in the open market, but rather must be transferred to the County or the City.
3. The City has no desire to take ownership of the property, but is willing to consent in writing to its transfer to the County so long as the County grants a conservation easement to the City to protect the property from development.

Based on the foregoing, I have drafted the attached conservation easement. I have utilized the form prepared by ACA DAgostino, modifying the document for this transaction, with all changes redlined. Please look it over and let me know if any additional changes are needed from a business standpoint. Please also coordinate with the Property Management Department to craft the necessary legal description to be attached to the conservation easement as exhibit A.

Note that this office has not been asked to review the documents for transfer of the property to the County. The conservation easement should not be executed or recorded until the County has received, accepted and recorded a quitclaim deed for the property.

I understand that the City wishes to review the form of the conservation easement before providing its written consent to SWFWMD. Once you are comfortable with its business terms, please forward the conservation easement to the City with all changes accepted.

Subject to my comments above and the resolution of any outstanding business issues, I have no objection from a legal standpoint to the conservation easement being scheduled for approval by the Board. I express no opinion as to the business judgment of the larger transaction.

This concludes my response to the RLS. Please contact me if you have any questions or concerns.

Bill Clague
Assistant County Attorney
Manatee County, Florida

ph. 941-745-3750

fx. 941-749-3089

william.clague@mymanatee.org