

# City of Fort Myers Reaches Settlement in Dispute Over Downtown Property; Agrees to Create “Legacy Island Park”

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Fort Myers, Fla. – The City of Fort Myers has agreed to resolve its quiet-title lawsuit over approximately one acre of downtown property conveyed to the City by early Fort Myers developer John Morgan Dean and his wife Annie Powell Dean, as well as the City’s 11th mayor, Robert B. Leak.

Acknowledging that the families originally intended for the land to be used for park and yacht basin purposes, the City of Fort Myers has agreed to transfer the park purposes deed restriction to a City-owned island in downtown, to spend at least \$500,000 to develop the island into a useful park for the City residents and visitors, and to designate it as the “Legacy Island Park.” This park will benefit the public and recognize the families who generously conveyed their land to the City in the 1930s and whose continued commitment to enforce the restrictions secured the island park for public park use. The City has committed to a three-year timeline to create the park. In return, the families will not contest the City’s plan to lease the downtown property for the construction of the Luminary Hotel, and will transfer the restriction on the downtown property to the island park.

“We are pleased that we reached an agreement with the City that recognizes our family’s contribution to Fort Myers and honors our family’s wishes to create waterfront parkland,” said Charles C. Powell, a descendant of Annie Powell Dean, who fought the City’s lawsuit along with his mother, Elizabeth A. Powell. “As outlined in the settlement agreement, the vision of the island park in the Caloosahatchee River includes public beach access, a nature trail, dockage for kayaks and other watercraft, picnic tables and pavilions, and a plaque commemorating those who gave the park its name. This park will benefit the public for generations to come.”

The Powell family retained Carlton Fields Shareholder Enrique Arana to defend the case on a pro bono basis. The Powells raised money which was used to fund out-of-pocket costs. Those costs

will be reimbursed by the City and returned to the contributors. The family will not receive any payment from the settlement, nor will any legal fees be paid to Carlton Fields.

“This agreement is a win-win,” Arana said. “It honors the families and benefits Fort Myers’ residents and visitors. It is also a sensible solution because the new island park will truly be a place where the public can enjoy Southwest Florida’s natural beauty.”

“It is a great day for the City as we seek to respect the legacy of the Dean, Powell and Leak families with a public use property,” said Mayor Randy Henderson.

“We believe the park will be a sought-after destination for residents and visitors, activating recreational activities along the waterfront,” added Saeed Kazemi, City Manager.

“While we remain confident in our legal position, this is a settlement that certainly makes sense and creates a public benefit. We look forward to concluding this case shortly,” said the City’s legal team and outside attorneys, Knott Ebelini Hart.

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