

## FRIENDS OF THE RIVERFRONT

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### **CITY SELLS CENTENNIAL PARK PROPERTY FOR HIGH-RISE CONDOMINIUMS WITHOUT REQUIRED NATIONAL PARK SERVICE APPROVAL**

Friends of the Riverfront, a coalition of private citizens and public interest organizations, have hired attorney Andrew Dickman, former legal counsel and policy director at the Conservancy of Southwest Florida, to stop the conversion of Centennial Park property to high-rise condominiums

The City accepted federal funds for Centennial Park, so it must get federal authorization from the National Park Service before selling or exchanging any part of the Park's public lands. And that process requires compliance with the National Environmental Policy Act (NEPA).

Developers, the Throgmartin Company and WCI, have targeted the eastern and western ends of Centennial Park to build separate high-rise condominium towers on the riverfront. Both developments need Park lands to accommodate the size of their projects and to offer buyers premium views of the riverfront and Park.

The City is currently negotiating the WCI deal and has already approved the Throgmartin project called "The Vue", a 27-story tower at the western end of Centennial Park. But in a letter dated May 25, 2005, the City was instructed by the Nation Park Service and the Florida Department of Environmental Protection that the City must get federal authorization before any land exchange or sale between the City and developer could occur, and that the City would have to comply with NEPA.

On June 1, 2005 Fort Myers Mayor Jim Humphrey told WINK News "State and Federal Government does not have the authority to say no" to the land exchange, apparently because he knew the City had already sold the land in a deal which occurred on May 12, 2005 according to public records.

Subsequent to the Throgmartin-City sale/"exchange" the City filed its NEPA mandated Environmental Assessment sometime in September 2005 requesting "consent" for the "proposed exchange of land," with no mention of the previous May 12<sup>th</sup> transaction.

In his letter dated February 17, 2006 to the State and National Park Services, Dickman states "NEPA is a federal law designed to force federal agencies to evaluate the environmental consequences of their actions *before* implementing a proposal or recommendation. The City accepted federal funding through the Land and Water Conservation Fund (LWCF) Act for Centennial Park. LWCF mandates that a conversion request must also comply with NEPA. Thus, as a matter of law the LWCF Act and NEPA are a condition precedent for the City to 'exchange' parcels with the Developer."

“This transaction occurred well before the City submitted its Environmental Assessment for federal review, essentially requesting an undisclosed after-the-fact approval of the conversion, clearly a gross misrepresentation,” asserted Dickman in his letter.

The Friends of the Riverfront have requested that the National Park Services notify the State and City of the violation, stop consideration of the City’s request for conversion indefinitely, report the City’s violation to the Department of Justice, and request that the Department immediately seek an injunction to prevent the City and/or the Developer from causing more irreparable damage to Centennial Park.

#### **ADDITIONAL CONTACTS**

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