

# Lost Tree signs island contract

By James Kirley  
Staff writer

More than a decade of negotiations, lawsuits and environmental worry ended Wednesday when local officials announced that Lost Tree Village Corp. has signed a contract to sell its Indian River islands into public ownership.

"Shakespeare said it: 'All's well that ends well,'" County Commission Chairman Ken Macht said.

The entire Indian River Shores Town Council, three county commissioners and Vero Beach Vice Mayor Sandra Bowden flocked to the 11 a.m. announcement at the county building.

"The important thing is that the islands will be preserved," added Macht, who has dealt with the issue since being mayor of Vero Beach in the late 1980s.

"We're hopeful that this contract will lead to the end of 14 years of litigation and dispute over the property," Lost Tree attorney Ernest Cox said later Wednesday.

Both city and town are defendants in lawsuits by Lost Tree that asked more than \$172 million in damages. The lawsuits question the legality of city and town land-use laws that limit island build-

ing to one home per five acres of land and conflict over building bridges.

The six islands straddle the border between city and town, where sentiment has run high for public purchase.

Shores Mayor Tom Cadden said he and Town Attorney Chester Clem had a two-hour meeting with Lost Tree President Charles Bayer Jr. and Cox in Cox's Vero Beach office Tuesday evening over other matters Cadden declined to describe.

"They took the opportunity to sign the contract while we were at that meeting," Cadden said.

"I would also like to thank Mrs. (Helen) Stone for agreeing to the sale," Cadden said. "She deserves a lot of credit for doing it."

Stone owns Lost Tree and is the daughter of the corporation's founder, Liwyd Eccelstone.

No company representatives were at Wednesday's public announcement at the county building.

"I wouldn't read anything into it," Cox said of the company's absence.

The contract pledges \$15.1 million to buy the six islands: \$1.08 million each from city and town; \$8.08 million from Indian River

County; and \$4.87 million from the Florida Communities Trust.

A land survey and other details for closing on the sale must be completed by Feb. 12 to ensure the state contribution, said Matt Sexton, Florida real estate director for The Conservation Fund, a not-for-profit group that negotiated the contract.

"The way everyone came together and partnered was outstanding," Sexton said.

Cadden also praised state Sen. Ken Pruitt, R-Port St. Lucie, and former Republican state representative Charles Sembler of Sebastian for helping get the state's contribution.

"Fifty years from now (the islands) will still be there," County Commissioner Caroline Ginn said. "They'll still be pristine ... It's the greatest Christmas present I can imagine."

The islands are largely covered with exotic pepper trees and Australian pines, which the county plans to raze and replant with native vegetation.

The most recent proposal for building on the islands, floated in 2001, was for 64 homes on three islands nearest shore and an 18-hole golf course on three islands further out in the water.

"Pelican Island Audubon Society is thrilled," said its president, Jens Tripson, later Wednesday. "Mainly it's going to help the Indian River lagoon. We won't have the impact of the runoff from a golf course or houses."

Lost Tree has proposed several different development plans for its islands since the late 1980s. At that time, zoning would have allowed several residences per acre.

That ended in the early 1990s, when city and town raised population density on the islands to one home per five acres. It was done after the state Department of Community Affairs rejected earlier municipal plans that would have allowed more homes on the uninhabited islands.

Lost Tree failed in its administrative challenge to the validity of those land-use plans.

Lost Tree also went to court claiming the tract of land surrounding three of its islands was farther east than shown in county record books.

The sales contract announced Wednesday is designed to vacate or settle all those lawsuits.

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