

# Inner Loop Working Group

(undisclosed membership)

## Minecraft Lee County

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*Minecraft* is a sandbox video game released in 2011 in which players explore a blocky, procedurally generated 3D world with virtually infinite terrain and may discover and extract raw materials, craft tools and items, and build structures, earthworks and simple machines. (Wikipedia)

In unincorporated Lee County, real life Minecraft has been at play, too. In 2011, a rezoning application for Industrial Planned Development was filed to allow lime rock mining on a 4,202 acre tract in the DRGR by Corkscrew Grove Limited Partnership an affiliate of Texas based King Ranch, that has extensive agricultural holdings. The DRGR (Density Reduction Groundwater Resource) is a state-mandated delineation protecting the County's public

well water supplies, flow-ways and allowing for aquifer recharge by reducing population density dating back to 1990. The mining proposal also included compensatory water storage to help manage surface water flow from Lehigh Acres that had historically moved south prior to human impact.

Following a period of bankruptcy and reorganization, Corkscrew Grove purchased the land for \$29,750,000 in 2016 from Dearborn Street Holdings LLC & Series 28 OCP, this was a 20 million dollar loss when subtracted from the purchase price of nearly 50 million in 2014. Both the 2014 2016 transactions occurred after the 2011 mining applications. Prior to 2014, the property changed ownership in 2002, purchased for \$4,800,000.

After 8 years, the mining proposal reappeared and was denied again in 2019. In the 2019 denial, recommendations did not prevent the landowner from developing other land uses such as housing or agriculture. Mitch Hutchcraft (no relation to Minecraft), vice president for real estate with Texas based King Ranch who filed the application, vowed a battle to continue to push mining forward.

On 8/05/2021 the denial led to an ordered summary judgement. Corkscrew Grove then sued Lee County under the state Bert Harris Private Property Rights Protection Act seeking compensation for a government decision that "inordinately burdens" their property rights.



## Today

Fast forward to 2022. Minecraft is still as popular as ever as this epic legal battle somehow morphs into a "greenlight" for an unprecedented 10,000 home development including retail space and hotel rooms in the protected DRGR. The original 4,202 acre tract for mining has ballooned into a 6,500+ acre megaplex. A piece of property acquired by the county with Corkscrew Road frontage is also in the mix as a land swap. At

318 acres, it was purchased for \$6,500,000 in 2017 from Estero Group Ltd., as a settlement in yet another mining related claim. The resurrection of the Corkscrew Grove action was 2 years after the 2017 settlement with Estero Ltd. and 8 years after the original filing, ample time to strategize. This current round of Hutchcraft's battle includes County Attorneys and Cameratta Companies, the primary developer of the Environmentally Enhanced communities peppering the Corkscrew corridor. According to the Corkscrew Grove LP Settlement Agreement presented at the May 17, 2022 public hearing the settlement team included: Ray Blacksmith (Cameratta C. CAM 7 Sub, LLC)

Neale Montgomery (Pavese Law), Dan Delisi (AICP), Elizabeth Fountain & Brandon Frey (Eng.) David Brown (Hydrologist, Ted Treesh, (Transportation Planner) and Shane Johnson (Ecologist). The questions at hand are, i.) how did a Bert Harris Act lawsuit to settle a mining claim alleging loss of property value due to government actions, turn into a "greenlight" development on an unprecedented scale, and ii.) in how many ways did the County-collusion with Cameratta fail to safe-guard the community from colossal, far-reaching impacts and deny transparency?



**Greenwashing:** also called "green sheen", is a form of spin in which *Green Public Relations* or *Green Marketing* is deceptively used to promote the perception an organization's products, aims or policies are environmentally friendly.

- Wikipedia

## **Collusion: def. secret or illegal cooperation or conspiracy, especially in order to cheat or deceive**

There was NO PUBLIC OUT-REACH in the 8 months from the summary judgement to the public hearing notice. In those months, no effort was made by local government elected leaders to direct staff to explain to the many, many affected parties the far reaching powers of legal settlement vs. community development, convene public outreach or have public voice in the decision making or oversight related of this settlement.

Review of lobbying records for County Attorney Wesch reveal that Joseph Cameratta placed

an in person visit to discuss, verbatim "Old Corkscrew Plantation Property" (reconfigured as Corkscrew Grove) on 11/30/21. This recorded lobbyist visit was a full 6 months before the quasi-judicial public hearing on May 17, 2022. Not all of stakeholders burdened by the scope of this development were noticed. To those who were noticed and were made aware, documents for review were not available with enough review time and were difficult to locate, housed with the County Attorney rather than Community Development. The

legal complexities were overwhelming with regional implication throughout the DRGR. Further records reveal a lobbying session with Cameratta Company and County Staff on 1/26/22 documented by both County Attorney Wesch and Community Development Director David Loveland. These lobby efforts are documented under the heading "Corkscrew Corridor Development-Lee Co. & Cameratta Co.". In attendance were 12 County Staff members, 4 representatives of Cameratta Co. and Neale Montgomery, attorney with Pavese Law Firm.

## **Creating the Mining Boogey Man and Forced Choice Narrative**

Notices were mailed to some stakeholders. Some stakeholders burdened were unaware. Residents at the many Environmentally Enhanced Communities were largely in the dark and seasonal residents were away. With no "fair" or "full" effort made to engage the public, the real, documented public safety concerns were not acknowledged.

In front of the Hearing Examiner, Cameratta Companies presented a self-promoting 27 slide power point presentation that contravened the Lee Plan in 8 ways, with a focus on claims of water improvements that evoke skepticism among experts. Traffic impacts on Corkscrew Rd. for a development of this size stirred out-

rage once the public was alerted.

Initially, through talk radio media and later news media, the BoCC promoted the development as a forced choice. The public was told to choose between 10,000 home+ shopping and hotel urban sprawl wrapped in the cloak of environmental enhancements or a mine operating under outdated 2007 rules that authorized shorter blasting ranges. The potential for compensatory water storage as a regional surface water management strategy, as explored in the original mining study, was not brought forth.

Other remedies not brought to the public attention were (as in 2017), county purchase, state

purchase, other or multiple developers or perhaps "springing" development rights dependent upon transportation, sewage, water and surface water concurrence. Currently commuters do NOT feel safe traveling on the Corkscrew Corridor.

An August 13, 2019 Remand of South County Public Facilities CFPD on Alico Road has not been openly addressed or resolved to establish sewage concurrence. The Interdepartmental Land Swap of the Public Utilities parcel next to Cameratta's development "The Place" and a section of the Conservation 20/20 Wild Turkey Strand containing a flowway, galvanized opposition among stake holders challeng-

ing the appropriateness of this site for public utility use and aroused anger among the public.

At the Corkscrew Grove public hearing, the scope of the Hearing Examiner ruling was narrowly confined. The project was presented as a forced choice: choose a sprawling development in an area already suffering from unacceptable levels of service due to careening development ushered in by the developer presenting the stipulated settlement and development agreement or suffer a mine operating under rules from 15 years ago.

# Stagecraft: Smoke & Mirrors

This forced choice paradigm is an illusion. This is an emergency of their own creation. The County made a choice about the remedy it would pursue. Other potential outcomes were possible. Public participation and oversight has historically been beneficial to all stakeholders.

Yet, Cameratta Co. in collusion with County Staff prepared a stipulated agreement and development agreement over 6+ months without public input. This stipulated settlement agreement and development agreement is a “shackle”, superseding good governance and established norms and channels of Community Development.

If influence is at play and County Staff is working in collusion with developers, who insures standards of ethics, oversight and transparency? Who represents the public on unresolved issues of public safety, traffic concerns and sewage concur-

rence? What are the benefits of the proposed surface water management vs. compensatory water storage?

On April 19, 2022 a Closed Executive Session for the purpose of discussing settlement negotiations and strategy between BoCC, County Attorneys Richard Wm. Wesch and Michael Jacob, along with County Manager, Roger Desjarlais was convened. The meeting was transcribed by Fort Myers Court Reporter. Citing attorney/client privilege it is unavailable though requested.

On May 3, BoCC moved to approve professional engineering service for Southeast Wastewater Treatment Plant. No policy issues were identified on the agenda, though a remand of South County Public Facilities Planned Development was issued on August 13, 2019. Notice to affected Property Owners of Public Hearings, Corkscrew Gove Limited Partnership v. Lee County, Case No. 19-CA-8138 Development Agreement pursuant to Statute 70.01 (4) (d) were mailed notice on May 3. No stake-



Cameratta has declined to discuss the details on the transition of property ownership and the cost of the land deal. -News Press 6/16/22

holder previously identified and noticed, affected by the South County Public Facilities Planned Development Remand was given notice or contacted by Lee Government or Cameratta Companies regarding either the settlement agreement or development agreement.

Cameratta has declined to discuss the details on the transition of property ownership and the cost of the land deal.

**“By the power of truth, I, while living, have conquered the universe.”**

**-Faust**

## “Lee Makes a Deal”

In the Stipulated Settlement Agreement between Corkscrew Grove LP v. Lee County, Section II. Covenants, Warranties and Representations, it states:

***4. The following process will be utilized to: (iii) provide a full and fair opportunity for meaningful public input on the Stipulation and the Development Agreement.***

The public was NOT afforded the opportunity for meaningful public input on the stipulation and development agreement, though the developer colluded with county staff and the county attorney. Since the Developers interest is represented by the County, what recourse is available to the private citizen to protect property values, ensure transparency, educate oneself to meaningfully participate, be served by emergency services in a timely way and safely travel from one’s home to the courthouse?





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We are on the web & facebook!  
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## BoCC

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## Holding the Public Hostage

After a number of years to prepare for the next in a series of mining claim settlements, our elected officials and county staff failed to get out in front of this slowly approaching train. They knew it was coming. Why? It is the perfect opportunity for developers to profit and the “usual suspects” to push their agenda, careening development, minimal prop-share for roads (capped at \$2000 per home for the development) and undesirable public facilities on Conservation 20/20 property in a long-standing agricultural community rather than in proximity or on their own land.

The “usual suspects” would rather turn YOUR Conservation 20/20 land into their sewage and trash pit and have it flow into the Estero River Watershed. They will “capitalize”

on legal settlements to further overload dangerous roadways. They will then redistribute funds to deal the emergencies they create. These behind the scenes dealings, interdepartmental swaps, collusions, and emergencies, rob the public of the opportunity for meaningful engagement and imperil our water, property and liberty.

Let the Commissioners know that you demand “full” and “fair” opportunity for meaningful public input, including directing staff to convene public outreach. Ensure transparency in this legal settlement and development agreement by insisting on access to relevant collated documents that are inclusive of regional impacts and policy issues. Tell the commissioners two choices are not enough and that other options should be explored.



Tell the commissioners the train pulling into the station **today** has been moving at a slow speed for **11 years** and you **REFUSE** to be hog-tied to the tracks.

### Historic Flow-Ways & Public Facilities Site Plan

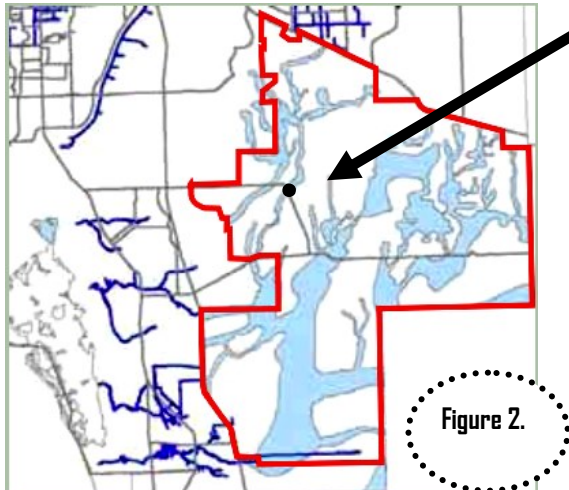


Figure 2. DRGR Historical Flow-Ways

**Estero River Watershed**

**Imperial River Watershed**