

By GREG MARTIN

06/20/06

Governor signs Babcock bill

Bush calls bill highlight of his tenure

BABCOCK RANCH -- In the middle of a vast green pasture under a bright blue sky, Gov. [Jeb Bush](#) signed a bill Monday to acquire the pasture and most of the forests, swamps and fields that surrounded it.

The bill provides \$310 million to buy nearly 74,000 acres of Babcock Ranch -- one of the largest public acquisitions in the state's history.

The deal culminates five years of negotiations that only proved successful after the state teamed up with a developer to preserve an Old Florida working cattle ranch -- and its legacy of environmental stewardship.

In exchange, the developers, Kitson & Partners and Morgan Stanley, have won approvals to build a city of some 50,000 people on a 19,000-acre corner of the ranch, which lies in Lee and Charlotte counties.

"This is a special day," said Bush, adding that he'll look back on Monday's ceremony "as one of the highlights" of his political career.

The deal also crowns a legacy of land conservation established during the past seven years of Bush's tenure.

Since 1999, the state has purchased more than 1 million acres through the Florida Forever program, said Colleen Castille, Department of Environmental Protection secretary.

This year alone, the state is spending \$785 million on conservation projects, including Babcock Ranch, Bush said.

By spending cash instead of borrowing, the state remains fiscally sound, and the \$310 million appropriated for Babcock Ranch won't come at the expense of other Florida Forever projects, the governor emphasized.

"Florida has made a commitment to protecting its future by preserving its past," he said.

Bush's remarks were met with enthusiastic applause by most of the 300 local county officials, state lawmakers, environmental professionals, cowboys and others who attended the ceremony.

The optimistic atmosphere was tempered slightly, however, by one cloud of doubt -- an administrative challenge filed Friday by the Sierra Club along with Charlotte County residents Clarke Keller and Gail Giles.

The plaintiffs claim Charlotte County's changes to its comprehensive plan to allow Kitson's proposed city "epitomize urban sprawl."

The challenge cites the way the plan calls for 14,000 acres of conservation lands to be converted into an urban area.

Both Bush and Syd Kitson, CEO of Kitson, expressed a measure of concern that the legal challenge will delay closing on the acquisition -- and that could put the entire deal in jeopardy.

Kitson said he was scheduled to buy the entire 92,000-acre ranch from the Babcock family on July 25. That date could be postponed until a hearing is held, possibly in September.

If the Kitson plan isn't approved by the end of the year, the Babcock family will sell it to another private developer, said Kitson.

Kitson, Charlotte and Lee counties, and the Department of Community Affairs have signed an agreement calling for all four parties to jointly defend the project against any legal challenges.

County Attorney Janette Knowlton said she has yet to read the Sierra Club's complaint and reserved comment.

Kitson, in comments after Monday's ceremony, said his firm's response to the Sierra Club's claims will recite arguments already presented to Charlotte County during its past public hearings.

In essence, the developer argues that impacts stemming from the project will be offset by Kitson's commitment to build a well-planned city -- and by the way, the deal facilitates the state's acquisition of 74,000 acres, he said.

"Again, this is kind of reliving everything we went through in the comprehensive plan process," Kitson said.

Bush said it was "mind-boggling" that the Sierra Club would challenge a project to preserve a prized wildlife corridor, especially considering the project is supported by virtually all the other environmental groups.

"I'm really disappointed, but not surprised, by the Sierra Club," Bush said. "The net effect is that this ranch could be sold to the private sector."

He argued Kitson's proposal would be better than the alternative -- that another developer would build "10-acre ranchettes from coast to coast."

However, Bush also said he views the legal setback as merely a "15-yard penalty and a loss of down" in a football game.

Wayne Daltry, director of Lee County Smart Growth, said he became familiar with similar challenges to other major projects as a former director of the Southwest Florida Regional Planning Council.

He said petitioners often file challenges under the pressure of a 21-day deadline in order to preserve the right to question a county's actions.

"We called it the 'friendly challenge,' quickly to be followed by the 'friendly settlement,'" Daltry said.

Kitson, in his remarks during the ceremony, attributed the success to date in the project to the "remarkable public/private partnership" between the state and the developer.

"Together, we have seized the opportunity of a lifetime," he said.

County Commission Chairman Tom Moore said he was "ecstatic" to witness Bush signing the bill.

"You are preserving 74,000 acres of pristine land for perpetuity," Moore said.

The Sierra Club's challenge "rained a little on my parade," he added.

Al Cheatham, director of the [Charlotte Harbor Environmental Center](#), said he, too, was thrilled with the acquisition.

He pointed out that the addition of 74,000 acres brings the amount of public land in Charlotte County to nearly 49 percent.

"That's pretty amazing," Cheatham said.

Before departing, Bush stopped to greet a group of Babcock Ranch's seasoned cowboys.

The cowboys felt honored to be a part of such a historic event, said David Milburn, Babcock cattle manager.

And if Bush ever wishes to go for a horseback ride, "we'll dang sure take him," Milburn added.