

# SAVE Marlin Conservation Square

*You have questions... here are answers!*

Marlin Conservation Square (“MCS”) is a small public space located in the Sapphire Shores neighborhood of Sarasota. It is land that was originally intended to be part of Marlin Drive as it continued west toward Bay Shore Road. A neighborhood was built up on Brywill Circle, however, and Marlin Drive was never extended, ending instead on Eastchester Drive. MCS is an approximately 6,600 sf public space on the west side of Eastchester where Marlin dead ends.

As permitted under Sarasota law, the two neighbors adjoining MCS on the north and south have filed a Petition for Vacation, asking that the City abandon the land and split it evenly between them.

## **Wait? A vacation? What’s so bad about that?**

This is not “vacation” as in spring break, sun & sand, plenty of relaxation. This is “vacation” as in vacate, leave, surrender. In Sarasota, neighbors who own property next to a public right of way that is no longer in use have the right to ask the City to vacate, or give up, the land in equal shares to the adjoining owners. That is what has happened here, and while these neighbors have every right to make their vacation request, the City is under no obligation to grant it. To the contrary, it must reject a vacation request if (1) the land at issue serves an important public purpose and (2) giving it away would not be in the public’s interest. And that is exactly the case here.

## **So, I’ll bite, what the public purpose that’s served by this piece of land?**

MSC is located at the end of Marlin. on the west side of Eastchester. It functions as a critical part of the very limited infrastructure available in this section of the neighborhood to control stormwater runoff. Without it, surrounding roads and homes would experience even worse flooding than they currently do.

First, the lay of the land. There are no storm drains on Eastchester, or the two roads that parallel it to the east although there are storm drains at the north and south ends of those streets, several blocks away. There are no storm drains on Marlin. There is one storm drain on Brywill Circle, the street just to the west of Eastchester. ALL stormwater from that portion of the neighborhood drains west onto the properties located along Brywill and into the one drain on Brywill.

Stormwater runoff is an increasingly severe problem throughout Sarasota, but especially along Brywill where even insignificant rainfall causes significant flooding. The City does not have many weapons available in its arsenal to deal with the stormwater challenge, but it does have one - MSC. The existing storm sewer system is clearly inadequate to the task, but new sewers are staggeringly expensive, and will not be considered unless the system completely fails. Sarasota, and municipalities across the country have increasingly realized how important and effective small parcels of land can be to contain and redirect stormwater runoff, and have required that such features be incorporated in development plans. MSC itself has served as a pilot project for just such a use.

In 2000, the City, State and Indian Beach-Sapphire Shores Association (“IBSSA”) teamed up to configure MSC as a model stormwater retention area. With a grant from the Southwest Florida Water Management District, resources and equipment from the City, and volunteers from IBSSA, the group removed existing asphalt from the area, created two shallow swales, and cleared the area of invasive plants. The team then installed native plants purchased by IBSSA and donated by the City to create a stormwater retention/conservation area. While the project didn’t eliminate the flooding problem, it’s an important tool that absorbs and slows the flow of rainwater westward through the neighborhood and ultimately into Sarasota Bay.

With proper maintenance and incorporation of additional water absorption measures, MCS has the potential to be even more effective. Bottom line – MCS is our only realistically available tool to address stormwater runoff in this section of the neighborhood. We cannot give it away.

**Okay, stormwater absorption and less flooding on adjacent streets sounds good. What's the argument for giving away the land?**

Honestly, there isn't one. The neighbors on either side claim that the property hasn't been maintained, is an eyesore and safety risk. But let's explore that a little further. MCS, like several similar greenspaces in the neighborhood, falls under the jurisdiction of the IBSSA. To maintain these areas, IBSSA has developed a system of stewardship; volunteers agree to be stewards of a property, overseeing its maintenance, and arranging for community cleanups as needed. Over the years, many residents have filled the steward role for MCS, installing a bench, signage, and keeping it maintained. In 2018, one of the adjacent neighbors volunteered to be the steward for the property (yes, one of the neighbors now asking the City to vacate the property). Under their stewardship, no work days were organized, no volunteer help was requested, and not surprisingly, the property became increasingly overgrown. The other adjacent neighbor spurned offers of maintenance by volunteers, saying they preferred the area to be kept wild. So, let's just review: the adjacent neighbor/steward who volunteered to be responsible for maintaining MCS failed to do so and the other adjacent neighbor discouraged offers of clean up assistance. Those same folks are now arguing that because the property has not been properly maintained, the City should give it to them. The expression "fox guarding the hen house" comes to mind.

**So, where are we in the process?**

Obviously, the two adjacent neighbors want the City to give them this very valuable land. The process thus far has enabled them to present their arguments, and offered others little opportunity for rebuttal. However, the matter is now going the Planning Board in March and then on to the City Council in April.

Sarasota law requires that the Development Review Committee, the Planning Board and the City commission must take into account the following items, among others, in considering a request for vacation:

- The benefit to the general public of the existing right-of-way
- Whether the right-of way has been improved, and the extent to which it is currently, or in the future will be, utilized by the general public
- Whether the proposed vacation is in the public interest.

Seems pretty clear. MCS benefits the general public by functioning as a critical piece of an admittedly inadequate stormwater management system. The City, State, and neighborhood have invested money and time in making improvements to MCS and have an interest in preserving those investments for the public good. Far from being in the public interest, giving away MCS serves only the interests of those two neighbors who seek to take valuable public land for private use and development. It serves no conceivable public interest.

## **SAVE Marlin Conservation Square**

**Keep Our Public Lands OUT of Private Hands!**