

CAUSEWAY COVE

Public-Purpose Acquisition and Preservation Options

Comprehensive Memorandum for City Commission Discussion

To	Mayor, City Commission, City Manager, and City Clerk
From	Kevin S. Keene, Fort Pierce Resident
Date	8/13/2026
Subject	Whether the City should formally evaluate acquisition of Causeway Cove for permanent public use
Requested action	Place a policy discussion item on a future City Commission agenda

POLICY PURPOSE

This memorandum does not request immediate condemnation. It requests a disciplined, public evaluation of whether Causeway Cove is reasonably necessary for a defined municipal project and whether voluntary acquisition, partnership funding, conservation tools, or—only if warranted—eminent domain should be studied before the waterfront is irreversibly committed to intensive private development.

Executive Summary

Causeway Cove presents a time-sensitive public-policy question: whether Fort Pierce should allow a uniquely situated waterfront parcel to be permanently committed to an intensive private development without first evaluating whether the site is needed for a lasting public use. Florida law gives municipalities eminent-domain authority for specified municipal purposes, expressly including public parks, squares, grounds, and other municipal purposes. That authority is constrained by the Florida Constitution and Chapters 73, 74, and 166, Florida Statutes. Any taking must rest on a genuine public use, be authorized through formal governmental action, and provide full compensation.

The strongest approach is not to characterize eminent domain as a device for stopping an unpopular development. The legally and administratively sound approach is to determine whether the property is reasonably necessary for an identified municipal project—such as a waterfront park, public shoreline access, a resilience corridor, conservation land, cultural-resource preservation, or an integrated recreational trail—and then evaluate acquisition methods in a transparent sequence.

Florida examples show that governments have used or formally pursued condemnation when private redevelopment threatened a site the government identified as necessary for archaeological preservation or continuing port infrastructure. The Miami Circle acquisition is the clearest preservation example. Miami-Dade County's 2026 Fisher Island fuel-terminal action is a current example of a government asserting that a privately owned waterfront facility is necessary to preserve an ongoing public function. These examples do not decide the Causeway Cove question, but they demonstrate the operative principle: a legitimate, documented public necessity can justify governmental intervention even when the practical effect is to prevent a proposed private redevelopment.

RECOMMENDED COMMISSION ACTION

Authorize a limited feasibility study—not condemnation—to define the proposed public project, evaluate necessity, obtain an independent valuation, identify funding and partnership options, assess legal constraints, and return to the Commission for a public decision.

1. Question Presented

Should the City Commission direct staff to evaluate whether Causeway Cove should be acquired and preserved for a defined public purpose before the proposed high-density development forecloses that option?

The inquiry should include voluntary purchase, negotiated development rights, conservation easements, state or federal partnerships, grants, bond financing, land exchanges, and—only as a final alternative if a genuine public necessity is established—eminent domain.

2. Governing Florida Framework

2.1 Constitutional public-use requirement

Article X, section 6(a) of the Florida Constitution requires full compensation when private property is taken for a public purpose. Article X, section 6(c) also restricts the later transfer of condemned property to a private person or entity, subject to limited exceptions enacted by general law. Accordingly, any Causeway Cove acquisition must be structured around sustained public ownership or another legally permissible public-use arrangement—not a pretextual transfer to a preferred private developer.

2.2 Municipal statutory authority

Section 166.401, Florida Statutes, recognizes municipal eminent-domain power and requires the governing body to adopt a resolution authorizing acquisition of identified property for a designated municipal use or purpose. Section 166.411 expressly authorizes municipal eminent domain for public parks, squares, grounds, and other municipal purposes, subject to the restrictions in sections 73.013 and 73.014.

The statutory language matters because it places parks and public grounds within the Legislature's express list of municipal condemnation purposes. A waterfront park, shoreline-access system, resilience facility, or integrated conservation and recreation project therefore fits more comfortably within the statutory framework than a generalized statement that the City simply opposes the scale or appearance of a private development.

2.3 Procedural and substantive safeguards

- A formal resolution identifying the property and the municipal use or purpose.
- A genuine public-purpose determination supported by planning, engineering, environmental, historical, or recreational evidence.
- A reasonable-necessity analysis explaining why this property—or an interest in it—is needed for the project.
- Compliance with Chapters 73 and 74, Florida Statutes, and applicable civil procedure.
- Full compensation, including the valuation and cost consequences imposed by Florida condemnation law.
- Protection against a prohibited private-to-private transfer or condemnation merely to eliminate blight.

Florida law specifically provides that eliminating slum or blight is not, standing alone, a valid public purpose for condemnation. The Commission's record must therefore focus on the affirmative public facility or resource to be created and maintained.

3. Potential Public Projects for Causeway Cove

A legally credible feasibility study should select and define one integrated public project, rather than reciting a broad list of possible benefits without an adopted plan. The following uses merit evaluation:

Permanent waterfront green space: Preservation of open shoreline, scenic views, public gathering areas, shade canopy, and passive recreation.

Municipal waterfront park: A publicly owned park with boating, fishing, picnic, educational, and family-recreation amenities.

Public shoreline access: Continuous public access to waterfront areas that would otherwise become controlled or functionally private.

Resilience infrastructure: Storm-surge storage, flood attenuation, living shoreline, wetland restoration, emergency access, and post-storm staging.

Cultural and archaeological preservation: Protection, investigation, interpretation, and public presentation of historic or archaeological resources.

Environmentally sensitive habitat: Protection or restoration of mangroves, seagrass-supporting shoreline, wildlife habitat, and water-quality buffers.

Waterfront trail and recreational corridor: Connection of existing and planned public spaces into a walkable and bicycle-accessible shoreline system.

The Commission should also consider whether a less-than-fee acquisition—such as a conservation easement, public-access easement, development-right purchase, or partial acquisition—could secure the public objective at lower cost than acquiring the entire parcel.

4. Florida Illustrations

4.1 Miami Circle — archaeological preservation

In 1999, Miami-Dade County commenced eminent-domain proceedings concerning the Miami Circle property at 401 Brickell Avenue for prehistoric and archaeological preservation. The County's legislative record later recommended settlement of the condemnation action to acquire the property for that preservation purpose. The site was slated for private development, but the legally stated purpose was the affirmative preservation of a unique archaeological resource.

Relevance to Causeway Cove: the Miami Circle demonstrates that preservation of a specific cultural resource can constitute the stated public purpose for acquiring property even though preventing private development is the practical consequence.

4.2 Fisher Island fuel terminal — continuing public infrastructure

In June 2026, the Miami-Dade County Commission authorized pursuit of eminent domain for the privately owned Fisher Island fuel terminal serving PortMiami. The action followed failed negotiations and a proposed luxury redevelopment that would remove the terminal. County officials framed the property as necessary to maintain strategic fuel infrastructure supporting port operations. The matter remains contested and should be described as an ongoing eminent-domain initiative, not a completed judicial precedent.

Relevance to Causeway Cove: the case illustrates that a local government may intervene when private redevelopment would eliminate property or facilities the government determines are

necessary for a continuing public function. The public function—not opposition to luxury development—is the controlling rationale.

4.3 West Palm Beach waterfront discussions — cautionary illustration

Public debate in West Palm Beach over waterfront-park expansion has included concern about potential condemnation of privately occupied or controlled property. Because no completed acquisition has been established here as a controlling precedent, this example should be used only to show that assembling waterfront land for park purposes remains a subject of municipal policy discussion. It should not be presented as proof that condemnation occurred or was judicially upheld.

5. Public-Interest Evaluation

Irreplaceability: Waterfront land is finite. Once high-density construction occurs, future public acquisition becomes materially more costly and physically constrained.

Public access: A public project could guarantee shoreline access rather than relying on voluntary amenities or privately controlled pathways.

Resilience: Open land and living-shoreline treatments may provide flood, surge, drainage, and habitat benefits that vertical development cannot replicate.

Economic value: Parks and public waterfronts can support tourism, nearby business activity, property values, civic identity, and recurring community events.

Intergenerational equity: Permanent public ownership preserves options for residents who will bear the long-term infrastructure and environmental consequences of current land-use decisions.

Opportunity cost: Acquisition would require substantial capital and remove taxable or developable property from the private market. Those costs must be quantified, not minimized.

6. Financial and Funding Options

A serious Commission discussion must address acquisition cost, litigation exposure, lifecycle maintenance, and opportunity cost. Eminent domain is not a low-cost shortcut; Florida law can make condemnation expensive because the public body must pay full compensation and may incur substantial professional and litigation costs. The first financial step should therefore be an independent appraisal and a confidential range-of-value analysis for negotiated acquisition.

Potential funding and partnership avenues

Florida Communities Trust — Parks and Open Space Florida Forever Program: Provides competitive acquisition funding to local governments and nonprofit environmental organizations for parks, greenways, open space, public access, and comprehensive-plan implementation. Current program materials generally require a local match and a willing-seller letter for the grant application, so it is most directly useful for negotiated acquisition rather than condemnation.

Florida Forever: Florida’s statewide conservation and recreation lands program supports coastal resilience, cultural-resource preservation, water protection, and public outdoor access. A project may require state-level application, ranking, and acquisition review.

Florida Recreation Development Assistance Program (FRDAP): Provides competitive assistance to local governments to develop or acquire land for public outdoor recreation. The program’s maximum award is comparatively modest and is more likely to supplement than finance a major waterfront acquisition.

County, state, or special-district partnership: St. Lucie County, the Florida Inland Navigation District, water-management entities, or resilience partners may have an interest in access, navigation, habitat, or shoreline protection.

Municipal financing: Subject to legal and fiscal review, options may include general revenue, voter-approved debt, revenue-backed financing, installment purchase, phased acquisition, or land exchange.

Philanthropic or nonprofit partnership: A qualified land trust or community foundation could assist with negotiation, fundraising, stewardship, or an interim acquisition strategy.

7. Alternatives to Full Condemnation

- Voluntary fee-simple purchase at independently supported value.
- Purchase option or right of first refusal while funding is assembled.
- Conservation easement limiting density and protecting shoreline resources.
- Public-access, trail, view-corridor, or shoreline easements.
- Purchase or transfer of development rights.
- Land exchange involving other public or redevelopment property.
- Public-private redesign preserving a substantial public waterfront tract.
- Phased acquisition of the most critical shoreline and resilience areas.
- Intergovernmental acquisition with the City serving as local steward.

These alternatives should be tested before condemnation because they may secure the essential public purpose at lower financial and legal risk. Eminent domain remains the residual tool when the public project is necessary, voluntary acquisition fails, and the Commission is prepared to fund full compensation.

8. Recommended Feasibility Study

The Commission should direct a defined, time-limited study with public reporting. The study should answer the following questions:

1. What exact municipal project is proposed, and which department or public partner would own, operate, and maintain it?
2. Which portions or property interests are reasonably necessary for that project?
3. How does the project advance the City Comprehensive Plan, capital-improvement program, resiliency strategy, parks plan, historic-preservation goals, and public-access policies?

4. What is the current independent appraised value, and what is the estimated total acquisition cost under negotiated and condemnation scenarios?
5. What grants, partnerships, matching funds, debt options, or phased acquisition structures are feasible?
6. What environmental, archaeological, cultural, engineering, flood, and shoreline studies are needed?
7. What private development approvals, vested-right claims, contracts, permits, or statutory constraints could affect timing and cost?
8. Could a less-than-fee interest accomplish the public purpose?
9. What are the annual operating and lifecycle costs after acquisition?
10. What decision deadlines exist before approvals or construction materially impair the public option?

9. Governance and Management Oversight

This issue should be managed as a public capital-project decision, not as a last-minute political reaction. The Commission establishes policy and authorizes expenditures; the City Manager is responsible for assembling cross-functional analysis; the City Attorney evaluates authority and litigation risk; planning, engineering, parks, finance, and environmental staff define the project and costs; and the public receives the material information necessary for informed comment.

The Commission should require milestone reporting. At minimum: project definition, title and ownership review, appraisal, funding matrix, legal memorandum, public-benefit analysis, alternatives analysis, and a final recommendation. No request for condemnation authority should return to the Commission until those deliverables are complete.

10. Principal Risks and Controls

Pretext risk: Control: adopt and document a genuine public project before considering condemnation; do not frame the purpose as defeating a particular developer.

Cost escalation: Control: obtain independent appraisal, litigation-cost estimates, contingencies, and a not-to-exceed acquisition strategy.

Delay and vesting: Control: identify approvals, contracts, statutory rights, and construction milestones immediately.

Grant ineligibility: Control: distinguish willing-seller programs from condemnation financing and avoid assuming grant funds can reimburse a compelled acquisition.

Operational burden: Control: prepare a funded management and maintenance plan before acquisition.

Private-transfer restriction: Control: preserve sustained public ownership and use; obtain specific legal review before any concession, lease, or redevelopment partnership.

11. Recommended Commission Direction

Place a discussion item on a future regular City Commission agenda and consider directing the City Manager to return within a defined period with a preliminary feasibility report. The direction should expressly state that the Commission is not authorizing condemnation, committing funds, or prejudging any existing development application. It is preserving the City's ability to evaluate a potentially irreplaceable public waterfront opportunity before that option is lost.

Suggested motion for discussion

"I move to direct the City Manager, in coordination with the City Attorney and relevant departments, to prepare a preliminary feasibility report concerning the potential public acquisition or preservation of Causeway Cove for a specifically defined municipal purpose, including voluntary acquisition, easements, partnerships, funding sources, valuation, public benefits, legal constraints, and—only if otherwise justified—the legal feasibility of eminent domain; and to return the report to the City Commission for public discussion before any acquisition authority is requested."

Conclusion

Causeway Cove should not be evaluated through the narrow question of whether the City likes or dislikes a proposed developer or development plan. The proper question is whether this waterfront property is reasonably necessary for a public project of enduring municipal importance and, if so, whether acquisition is financially and legally feasible. Florida law provides a path for public acquisition, including eminent domain for public parks and municipal purposes, but only when the City builds a specific, good-faith public-purpose record and accepts the full fiscal responsibility that follows. A formal feasibility study is the prudent first step.

Authorities and Source Notes

- *Florida Constitution, art. X, § 6 — eminent domain, full compensation, and restrictions on later private conveyance. Florida Senate, <https://www.flsenate.gov/laws/constitution>*
- *§ 166.401, Fla. Stat. — municipal eminent-domain authority and governing-body resolution requirement.*
- *§ 166.411, Fla. Stat. (2025) — authorized uses, including public parks, squares, grounds, and other municipal purposes. <https://www.flsenate.gov/Laws/Statutes/2025/0166.411>*
- *§§ 73.013–73.014, Fla. Stat. — restrictions on eminent domain and invalidity of condemnation solely to eliminate slum or blight.*
- *Florida Attorney General Opinion, "Extraterritorial Exercise of Eminent Domain" (Nov. 18, 1974) — City of Maitland authority discussed in connection with park acquisition outside city limits. <https://www.myfloridalegal.com/ag-opinions/extraterritorial-exercise-of-eminent-domain>*
- *Miami-Dade County Legislative Item No. 992498 — settlement of eminent-domain action to acquire Miami Circle property for prehistoric and archaeological preservation. <https://www.miamidade.gov/govaction/matter.asp?matter=992498&yearFolder=Y1999>*
- *Miami-Dade Fisher Island fuel-terminal action (June 2026) — Commission authorization to pursue eminent domain for continuing PortMiami fuel infrastructure; ongoing and contested, not a completed judicial precedent.*
- *Florida Department of Environmental Protection, Florida Communities Trust — local acquisition funding for parks, greenways, open space, beaches, cultural resources, and public access. <https://floridadep.gov/lands/land-and-recreation-grants/content/florida-communities-trust>*

CAUSEWAY COVE — PUBLIC ACQUISITION POLICY MEMORANDUM

- *Florida Department of Environmental Protection, Parks and Open Space Florida Forever Grant Program — competitive local acquisition grants and match requirements. <https://floridadep.gov/lands/land-and-recreation-grants/content/parks-and-open-space-florida-forever-grant-program>*
- *Florida Department of Environmental Protection, Florida Forever — conservation, recreation, coastal resilience, cultural preservation, and public access. <https://floridadep.gov/lands/environmental-services/content/florida-forever>*
- *Florida Department of Environmental Protection, FRDAP — competitive local-government assistance for public outdoor recreation acquisition and development. <https://floridadep.gov/parks/ogt/content/grants>*