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Lee judge tosses suit vs. Corkscrew plan for 1,325 homes

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A Lee County circuit court judge has tossed a lawsuit that challenged a proposal for a gated community known as Corkscrew Farms.

But the decision is not final yet. In her order dated Tuesday, Circuit Judge Alane Laboda gave the two groups that filed the suit 20 days to amend and refile it or her dismissal will stand.

The Estero Council of Community Leaders and the Responsible Growth Management Coalition filed the lawsuit against Lee County in December.

Cameratta Cos., which has

proposed developing the community, added itself to the lawsuit as a defendant.

The complaint challenged how the county came to grant Cameratta Cos. permission to build as many as 1,325 homes on a property in a density-restricted groundwater resource area known as the DRGR.

The proposed project often is referred to as Corkscrew Farms, but Cameratta Cos. has named it The Place at Corkscrew.

Cameratta has promised the county on-site perks, such as 700 acres of preservation land

and a few acres for a new fire district station.

In her order, Laboda stated she dismissed the case because the ECCL and RGMC failed to establish they had any "legally recognized rights" to sue.

"Plaintiffs do not live adjacent to the planned development. The complaint alleges only that some members frequently use the lands near the property for 'wildlife' observation, birding, recreation and educational purposes," Laboda's order states. "(They) do not allege that these members would be unable to

continue these activities once the subject property was developed, or that the development of the subject's property would in any way diminish their use of those other areas."

Laboda ruled the ECCL and RGMC complaint was filed on time, rejecting Lee County's argument that it was late.

She also found Lee's ordinance that outlines how people can appeal and challenge development orders in the county fails to follow state law.

Lee County's ordinance lacks "procedure for exchange of witnesses or exhibits, or deposition of witnesses," which is a requirement in Florida, according to Laboda's order.

Michael D. Jacob, managing assistant county attorney, wrote in an email to commissioners Wednesday that he expects Laboda's order is the end of the lawsuit.

"However, we'll be prepared to respond accordingly to any future filings," Jacob's email states.

In an emailed statement, Cameratta Cos. founder Joe Cameratta praised Laboda's order.

"From the beginning, my family and I have stood behind this project," Cameratta is quoted as having said. "This project does a lot of good."

Ralf Brookes, a lawyer who represents the ECCL and the RGMC in the lawsuit, did not return a request for comment.