Who Owns the BERT Railroad Corridor?

A Forensic Research Brief Prepared by the Lee County Taxpayers Association / usataxfighters.org

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Executive Summary

A forensic review by usataxfighters.org reveals a complex and convoluted ownership history for the proposed Bonita Estero Railroad Trail (BERT) railroad corridor, proving it is not a simple "one owner, one deed" transaction. While Seminole Gulf Railway (SGLR) currently appears on the tax rolls as the owner after acquiring the land interest from CSX via quitclaim deeds in 2018 and 2019, CSX remains a critical party in interest with reserved rights, a right of first refusal, and significant financial involvement in the political committee that passed the acquisition vote.

> *"Taxpayers need to understand the shell game being played here," said Dave Jaye, Chairman of the Lee County Taxpayers Association. "The public is being asked to spend $60 million for a corridor that is legally unusable for its intended purpose. The very deeds that transferred the land to Seminole Gulf carry permanent, recorded restrictions banning recreational trail use and groundwater extraction. Governments are signing a $60 million check for polluted, restricted dirt valued by their own property appraisers at only $813,055. It is a fiscal train wreck."*

Forensic Findings

Our audit, prepared for public use with data from the S&S Environmental Consultants LLC (S&S) Phase 1 ESA, Lee County official records, tax-roll records, and campaign-finance filings, found the following:

1. What "Ownership" Means on This Line

The transaction is confused by three distinct interests:

- **Underlying Land / Corridor Real Estate:** Historically owned by CSX. Following the 2018–2019 deeds, SGLR is listed on the tax roll, holding the fee or railroad estate interest in the dirt.
- **Tracks, Ballast, and Operating Rights:** Held by Seminole Gulf Railway, L.P., which owns the rolling stock, rail, and common-carrier obligation.
- **Adjoining-Owner Claims:** The BERT corridor is a patchwork. Some original 1890s–1920s acquisitions were easements "for railroad purposes" only, meaning if rail use ends, the land may revert to adjoining neighbors. Other stretches were bought "fee simple" and do not revert. Neighbor lawsuits regarding this distinction are ongoing and are a critical risk.

2. Ownership Timeline

- **Late 1800s–1920s:** Predecessors of CSX assemble the corridor as mixed easements and fee deeds.

- **November 13, 1987:** Lease License Agreement established. Public recitations (such as a 2011 Sarasota agreement) state SGLR owns track and facilities, while CSX owns the land and leases it to SGLR.
- **2003:** Federal court records (248 F. Supp. 2d 1146) confirm SGLR was making lease payments to CSX.
- **2013:** Lee MPO / Spikowski corridor memo identifies CSX as the real-estate owner from Arcadia to north Naples, with SGLR as the long-term lessee.
- **November 2, 2018:** CSX quitclaims land interest to Seminole Gulf (Lee County OR Book 5568, Page 941).
- **June 26, 2019:** Confirmatory CSX → SGLR quitclaim recorded (Lee County OR Book 5645, Page 3121). Tax-roll assessments subsequently change to list SGLR as the owner.
- **May 21, 2026:** Vote4BERT2026 Campaign Treasurer's Report (p. 6 of 7) shows CSX Transportation (Jacksonville, FL) contributed a $15,000 check to the political committee supporting the tax vote.
- **July 21, 2026:** S&S Phase 1 ESA incorrectly states the property is "currently owned by Seminole Gulf Railway, L.P." as S&S did not perform a full chain-of-title search. Commonwealth Land Title Insurance, in the ESA appendix, still lists SGLR mortgages, a CSX right of first refusal, a TPL option, and an STB interim-trail-use affidavit.
- **June 2026:** SGLR files to abandon the line (STB Docket AB 400 (Sub-No. 8X)), identifying itself as the abandoning carrier.

3. Current Tax Roll Status vs. Contract Price (LCTA Figures)

These figures from each County's Elected Property Tax Appraiser show the staggering discrepancy between the assessed "just value" of the restricted land and the price the government agreed to pay. Market appraisals procured by the Trust for Public Land (TPL) of roughly $75 million represent a hypothetical "alternative use" scenario and do not reflect the current deed-restricted value.

Segment	Miles	Tax-Roll Owner (Current Listing)	Tax-Roll Just Value	Price the Government Signed
Village of Estero	4.1	Seminole Gulf Railway, L.P.	$330,362 (Lee County PA)	$19.8 million
City of Bonita Springs	5.8	Seminole Gulf Railway, L.P.	$378,005 (Lee County PA)	$28.6 million
Collier County	1.5	Seminole Gulf Railway, L.P.	$104,688 (Collier County PA)	$11.6 million
Total	**11.4**		**$813,055**	**$60 million**

4. The CSX Restrictions and Continued Involvements

The 2018/2019 instruments are critical because they restrict the use of the land and explain why CSX continues to fund the acquisition campaign. These deeds:

- Restrict the land strictly to industrial/commercial use.
- Expressly ban recreational trail use.
- Expressly ban residential use, schools, daycare, and food agriculture.
- Expressly ban groundwater use.
- Leave CSX a right of first refusal and other reserved rights (per the title commitment).

CSX does not need to be the current fee owner to be a direct party in interest with substantial control over the corridor's future use.

5. LCTA Summary of Facts

1. Prior to 2018, CSX owned the land, and SGLR held a long-term lease.

2. In 2018–2019, CSX quitclaimed its real-estate interest in the BERT segment to SGLR.

3. These quitclaim deeds carry recorded covenants that permanently ban recreational trail and groundwater use.

4. SGLR is now the owner of record on the tax rolls.

5. CSX maintains reserved rights and a right of first refusal.

6. CSX gave $15,000 to the Vote4BERT2026 political committee.

7. The "value" is $813,055; the cost to taxpayers is $60 million.

8. Ownership claims by adjoining neighbors along easement-only parcels remain a distinct and unresolved legal risk.

9. The Trust for Public Land spent approximately $120,000 in direct cash and in-kind contributions promoting this 30-year $70 Million property Tax increase.

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