

Ultimately, the park was opened on time, in 1980, ten years after county officials had anticipated, in October 1970, that park development would take "about ten years." Despite state and federal court litigation and subsequent appeals lasting more than three years, the interventions of the cities of Deerfield Beach and Boca Raton and local citizen groups, the financial vicissitudes of county government, the waxing and waning of public opinion, and the regulatory oversight of numerous state and federal agencies, Deerfield Island Park had become a reality within ten years.

Both Broward County's lease and the improvement fund trustees' use of the island for park purposes under dedication by FIND terminate in the year 2065. While those agreements technically end in that year, unless future legislation changes FIND's duties, chapter 65-900, Laws of Florida, still imposes upon FIND the obligation to convey the island to the trustees for "recreational purposes" and "without consideration." And Chapter 70-449 requires still that five acres be "made available" to FAU.

Schine Enterprises still holds a right of first refusal on Capone Island, entitling it to match any bona fide offer made for the island should a governmental decision ever be made that the property be sold to a private owner. Finally, the adjoining homeowner's association, Royal Palm Improvement Association, still owns the north fifty feet of the island as a buffer for the prestigious development across the canal.

Given the right circumstances, the island could yet fall into private hands; that eventuality, although unlikely, remains to be seen. The existence of the park is, however, a testament to the persistence of numerous private individuals and public officials who went the "extra mile" to preserve a very special place in Broward County's natural and political history.



EPILOGUE

The land histories of the separate but contiguous parcels comprising the island typify the land history of much of the development of southeast Florida. While the parcels originated in lands patented in 1880 by the United States to the State of Florida under the provisions of the 1850 federal swamp and overflowed lands act, their histories diverged two years later when the Trustees of the Internal Improvement Fund conveyed Government Lot Two to Florida pioneers Arthur T. Williams and James A. Harris in 1882 but did not convey Lot Three and the fractional parcel until 1890 when the state trustees deeded those tracts to the Florida Coast Line Canal and Transportation Company.

The Williams-Harris easterly portion in turn would become part of the Mizner company's properties and later the product of its failure; the canal company parcels, on the other hand, would be conveyed to Henry Flagler's Model Land Company among lands containing almost 25,000 acres in exchange for Flagler's contribution of some \$185,000 for the canal company's continued dredging activities.

The histories of the parcels converged in 1930 when the West Palm Beach real estate investment company Chrisbar Corporation acquired the eastern portion through foreclosure of a mortgage on the property; the firm had already purchased the western and southern parcels from Flagler's Model Land Company a few months earlier. The transactions thus united the separate but contiguous properties. West Palm Beach real estate broker E. B. Davis' company purchased the combined property and later sold it to former Broward Circuit Judge Vincent C. Giblin, who acquired the acreage as trustee for an undisclosed beneficiary.

Although the infamous Al Capone never owned the property outright, it is clear that Capone's lawyer, Vincent Giblin, owned the property until it was sold at a judicial sale or he quitclaimed it away. Perhaps Giblin relinquished title when it became apparent that Capone would be

going to jail for at least ten years and therefore would not be able to make use of the property within the reasonably foreseeable future. Given the burden of taxes and the practical inability to use the property, that explanation for the former Broward circuit judge's relinquishment appears to be as reasonable as any other rationalization.

When afforded the opportunity both Capone lawyers Giblin and Gordon failed to deny rumors first that Capone in fact had purchased the tract, and then, that Capone was going to build a residence on the peninsula-shaped property. The failure of these well-respected and highly adept lawyers to dispel the speculation when they could easily have done so lends credibility to the notion that the tract was in reality owned by Capone and that in fact he planned to build a residence there; both lawyers would later become Dade circuit judges. The truth behind the acquisition may never be fully known; indeed the real beneficiary of Giblin's purchase may well remain unknown for all time, hidden in professional ethical constraints that may have required Giblin to maintain the confidentiality of the transaction.

The legend of Capone Island, however, appears to be one that will always persist even though Capone never owned the property directly. Even when Capone's lawyer Vincent Giblin technically owned it, perhaps for Capone's benefit, the tract was not yet an island — it was then only a peninsula.

