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January 2, 2008

Mr. David Goodwin,
Economic Development Director
City of St. Petersburg
P.O. Box 2842
St. Petersburg, FL 33731-2842

RE: Proposed Tierra Verde Annexation

Dear David:

Pinellas County received the Tierra Verde North Commercial Annexation Report and has reviewed the Report and the proposed annexation of 31.15 acres for compliance with the requirements of Chapter 171 of the Florida Statutes. Based upon this review, Pinellas County provides the following comments and concerns with the proposed annexation and the Annexation Report. One of the requirements of the Annexation Report pursuant to Section 171.042(1)(c)4, Florida Statutes is that the City must set forth the method under which it plans to finance extension of services into the area to be annexed. For most of the services that the City of St. Petersburg plans to expand into the area, there is no discussion on how the City plans to finance this extension. Such services include, but are not limited to, solid waste collection, police protection, code enforcement, and recreation services.

For example, the Annexation Report incorrectly states that the proposed annexation area is located within the St. Petersburg Fire District; the property is actually located within the Tierra Verde Fire District established by a referendum in Tierra Verde in 1988. The fire station and fire protection service in the Tierra Verde Fire District are fully funded through ad valorem taxes levied within the unincorporated Tierra Verde community and through the County's share of the Penny for Pinellas sales tax revenue. Through a written agreement with the County, St. Petersburg provides fire protection to Tierra Verde with 100% of the cost being borne by Tierra Verde and the County. If the subject properties become part of the City of St. Petersburg, they will no longer be subject to ad valorem taxes levied by Pinellas County. The tax revenue raised by the County to fund the Tierra Verde Fire District, therefore, would be reduced by almost \$42,000. The City's Annexation Report has not stated whether or how the City will make up this difference in order to ensure that fire protection service to Tierra Verde is not compromised.

The Annexation Report makes a statement that the character of the area proposed for annexation meets the criteria in Section 171.043, Florida Statutes. Pinellas County does not agree with this statement and believes that the proposed annexation is neither contiguous to the City's boundaries nor reasonably compact. The proposed annexation area is located outside the St. Petersburg Planning Area established by Interlocal Agreement with Pinellas County in November 2000. The Interlocal Agreement did not recognize Tierra Verde as an unincorporated area for possible future annexation by the City of St. Petersburg. One reason for this is

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Letter to Mr. David Goodwin

that Tierra Verde since its inception has been a cohesive unincorporated community that is located between 4,000 and 5,000 feet south of Isla del Sol – the closest land within the City. The subject property only abuts the City by means of the submerged land under the Intercoastal Waterway; in fact, additional submerged land must be included in the annexation in order for the City to stretch across nearly one mile of submerged land to reach the commercial and residential properties on Tierra Verde that it desires to annex. The subject properties, if annexed, would result in an isolated municipal area that is separated from all other upland portions of the City by the Intercoastal Waterway to the north.


The definition of "compact" precludes the creation of a finger area in a serpentine pattern. The existing municipal boundary for St. Petersburg follows the middle of the Main Channel of the Intercoastal Waterway north of Tierra Verde. The length of the proposed annexation area that abuts the existing municipal boundary in the Channel represents only 7.9% of the total perimeter of the annexation area. This in itself would represent the establishment of a municipal finger area intruding into the Tierra Verde community. However, when this condition is combined with the fact that the only connection between the commercial and residential properties being annexed and the nearest upland property in the City is a narrow causeway and bridge of almost one mile in length (a portion of which will remain unincorporated), the creation of a finger area in a serpentine pattern becomes even more apparent.

The proposed annexation also raises concerns that an incorporated pocket would be created that is isolated from the City by almost one mile of open water and surrounded by unincorporated County on three sides. The definition of "compact" in Chapter 171, Florida Statutes prohibits any action that would create pockets.

Another important consideration is whether the property proposed to be annexed is contiguous to the annexing municipality. The second sentence of the definition of "contiguous" provides direction on how to evaluate an annexation where the territory sought to be annexed is separated from the annexing municipality by a body of water or watercourse, or other minor geographical division of a similar nature. The Intercoastal Waterway at this location, with a width of approximately 4,000 to 5,000 feet, represents, not a minor, but a significant geographical feature in south Pinellas County. As a major geographical barrier, the Intercoastal Waterway separates the property proposed for annexation from the City to the north and, if annexed, the subject property would create a municipal finger area and an incorporated pocket that is isolated from the City. As a consequence, the proposed amendment does not appear to meet the requirements for either contiguity or compactness.

Based on the above analysis, Pinellas County does not believe that the proposed annexation meets the requirements of Chapter 171, Florida Statutes. If you have any questions, please call me at 464-8200 or Mr. David Sadowsky in the Pinellas County Attorney's Office at 464-3354.

Sincerely,



Brian K. Smith,
Planning Director

cc. Fred E. Marquis, Interim County Administrator
James Bennett, Interim County Attorney
David Sadowsky, Senior Assistant County Attorney
Pete Yauch, Assistant County Administrator