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May 2, 2008

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

RE: Proposed North Tierra Verde Annexation

Dear David:

Pinellas County received the North Tierra Verde Annexation Report and has reviewed the Report and the proposed annexation of 28.32 acres for compliance with the requirements of Chapter 171 of the Florida Statutes. The proposed annexation area has been modified from an earlier proposal to exclude a submerged parcel and to include a portion of the Pinellas Bayway Bridge. 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 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 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. The Report has no information on the increased costs that the City will incur in extending services to the area to be annexed and whether adequate funds have been or are being budgeted to finance extension of City services to this area. This requirement of the Annexation Report has taken on increased significance due to the impact of Amendment One on local government plans and budgets to finance public services and facilities.

For example, the Annexation Report notes that law enforcement will be provided by the St. Petersburg Police Department after annexation. While the Report contains a generic statement that the City will fund police service to the annexed properties from the General Fund, this does not represent a financing plan since there is no estimate of what the cost will be to extend police service and whether funds have been budgeted to finance initiating this service on the date of annexation. This same Report deficiency also applies to the other services that the City will need to extend to the properties proposed for annexation.

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The Annexation Report makes a statement that the character of the area proposed for annexation meets the criteria in Section 171.043, F.S. 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 that was established by Interlocal Agreement with Pinellas County in November 2000. Although this Interlocal Agreement was terminated by the City last month, 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 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 Board of County Commissioners designated the entire island of Tierra Verde with a Community Overlay in the Pinellas County Comprehensive Plan on March 18, 2008. The effort for achieving this Overlay designation was initiated by the community in order to define and recognize Tierra Verde as a cohesive community and to establish a shared vision for the entire island. The proposed annexation is contrary to this recent Board action, and the subject properties are only coterminus with 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. In actuality, 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" also 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 a small percentage 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, 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. This condition is felt to be inconsistent with the definition of "compact" in Chapter 171, F.S., which precludes any action that would create pockets.

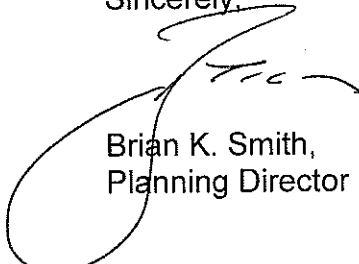
Another important consideration is whether the property proposed to be annexed is contiguous to the annexing municipality. The second sentence of the definition of "contiguous" provides direction on how to evaluate an annexation where the territory sought to be annexed is separated from the annexing 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 meet the requirements for either contiguity or compactness.

In addition, in an April 22, 2008 article, the *St. Petersburg Times* reported that the Pinellas County Supervisor of Elections filed a complaint with the Department of Justice "over the tactics used by the owners of the Tierra Verde Resort Marina to clear registered voters from the area proposed to be annexed by St. Petersburg". The article stated that the complaint was filed "after a series of questionable events" were logged by the staff of the Pinellas County Supervisor of Elections Office pertaining to the "voting rights of live-aboard residents at the marina". Pinellas County believes that it is prudent to delay the hearings on the North Tierra Verde annexation area until the Department of Justice has completed their investigation into this matter.

It has also come to our attention that the Pinellas Planning Council (PPC) will be making its recommendation on the City's ability to provide municipal services to the area proposed to be annexed at their meeting on May 21, 2008, whereas the City is having its second hearing to adopt an ordinance to annex said area on May 15, 2008. Section 5(12) of Chapter 73-594, Laws of Florida, as amended, requires that the PPC makes its recommendation on a "proposed annexation." The scheduling of the PPC action after the adoption of the annexation ordinance is contrary to and does not comply with the provisions in Section 5(12) of Chapter 73-594, Laws of Florida, as amended.

Based on the above analysis, Pinellas County does not believe that the proposed annexation meets the requirements of Chapter 171 of the Florida Statutes or Chapter 73-594, Laws of Florida. 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, County Attorney

Bcc/corrs.bh