



PINELLAS PARK CITY COUNCIL

AGENDA MEMORANDUM

FROM: Tom Shevlin, Community Development Administrator

DATE: September 9, 2008

SUBJECT: Discussion of Proposed City Responding Resolution

BACKGROUND:

DISCUSSION OF A PROPOSED RESOLUTION RESPONDING TO AN INITIATING RESOLUTION FROM PINELLAS COUNTY REGARDING THE NEGOTIATION OF AN INTERLOCAL SERVICE BOUNDARY AGREEMENT BETWEEN THE CITY AND PINELLAS COUNTY.

In 2007, the Courts overturned the Charter amendment and County Ordinance 00-63, thereby eliminating the annexation planning area boundaries for all municipalities. This action by the Courts caused voluntary annexations to come under the guidelines of Chapter 171, Part 1 of the Florida Statutes which does not provide for annexation planning areas.

The purpose of this workshop is to discuss the following issues:

1. The process, definition and criteria for voluntary and referendum annexations in replacement or modification of the requirements of Chapter 171, Part I, Fla. Statutes (2007).
2. The establishment of municipal service areas, as defined in Section 171.202(11)(a), Fla. Statutes, within which the City may plan for and annex, as suggested in Exhibit B and conversely, unincorporated service areas as defined in Section 171.202(11)(a), Fla. Statutes, which shall remain unincorporated.
3. Those relevant issues identified and agreed to in the Settlement Agreement between all of the Cities of Pinellas County and Pinellas County, Florida for the Resolution of Issues Related to the Charter Review Committee, dated May 2, 2007
4. The incorporation and exercise of those joint planning procedures set forth in Section 163.3171, Fla. Statutes (2007), based on boundaries established in paragraph 2 above.
5. The establishment of a term of 10 years for the Interlocal Service Boundary Agreement with a review of such agreement to be performed by the parties after the initial 8 years.

Attached Backup May Be Required:

- Attorney Approval
- Purchasing Approval
- OMB Approval
- Finance Approval
- Minutes from Board or Commission
- Document required for Council action

- Workshop Agenda
- Council Agenda

Department Head Approval 

City Manager Approval _____

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF PINELLAS PARK, PURSUANT TO CHAPTER 171, PART II, FLORIDA STATUTES, THE INTERLOCAL SERVICE BOUNDARY AGREEMENT ACT, AGREEING TO PARTICIPATE IN THE PROCESS PROVIDED FOR THEREUNDER FOR THE PURPOSE OF ADDRESSING THE ISSUES MORE PARTICULARLY SET FORTH HEREIN; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Part II, Chapter 171, Florida Statutes, entitled the "Interlocal Service Boundary Agreement Act" (Act) provides an alternative to Part I of said Chapter for local governments regarding the annexation of territory into a municipality and the subtraction of territory from the unincorporated area of the county; and

WHEREAS, the Act further intends to establish a more flexible process for adjusting municipal boundaries and to address a wider range of the effects of annexation; and

WHEREAS, a more flexible and clear process providing greater certainty is appropriate and desirable within Pinellas County given the highly urban character of the county, which distinguishes it from many of Florida's other counties; and

WHEREAS, the process is intended to encourage intergovernmental coordination in planning, service delivery, and boundary adjustments in order to reduce governmental conflicts and litigation between local governments; and

WHEREAS, the overriding goal of the process set forth within the Act is to promote sensible boundaries that reduce the cost of local government, avoid duplicating local services and increase political transparency and accountability; and

WHEREAS, the Florida Legislature recognizes that enclaves can create significant problems in planning, growth management, and service delivery, and therefore declared it to be the policy of the state to eliminate enclaves; and

WHEREAS, it is the intent of the City of Pinellas Park to participate in discussions with those invited municipalities listed in Exhibit A, any of the notified independent special districts listed in Exhibit D who chose to participate, and Pinellas County regarding the development of an interlocal service boundary agreement to address the above referenced concerns.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Pinellas Park, Florida, as follows:

1. The governing body of the City of Pinellas Park hereby agrees to enter into negotiations with the municipalities listed in Exhibit A, the notified independent special districts listed in Exhibit D, and Pinellas County pursuant to the Act to address issues concerning planning and annexation for the areas identified below and as set

forth in Exhibit B. The City of Pinellas Park incorporates Exhibits A through D, which are attached to Pinellas County Resolution No. 08-110, as part of its resolution for the purposes of these negotiations.

2. The governing body of the City of Pinellas Park concurs with Pinellas County as to the definition of the area to be considered as the geographical boundaries of Pinellas County as set forth in §7.52, Fla. Stat. (2007).

3. The governing body of the City of Pinellas Park hereby adopts all issues identified by Pinellas County Resolution 08-110 to be negotiated in this process:

A. The process, definitions, and criteria for voluntary and referendum annexations in replacement of modification of the requirements of Ch. 171, Part I, Fla. Stat. (2007);

B. The establishment of municipal service areas, as defined in §171.202(11)(a), Fla. Stat. for each of the invited municipalities may plan for and annex, and conversely, unincorporated service areas, as defined in §171.202(16)(a), Fla. Stat. which shall remain unincorporated, as suggested in Exhibit B, which exhibit consists of those planning areas previously provided for under Pinellas County Ordinance No. 00-63, as recommended for amendment by the Joint Pinellas

Planning Council/Countywide Planning Authority
Annexation Subcommittee convened in 2005-2006;

C. Incorporation of those relevant issues identified and agreed to in the Settlement Agreement between all of the Cities of Pinellas County, and Pinellas County, Florida for the Resolution of Issues Related to the Charter Review Committee, dated May 2, 2007, and attached hereto as Exhibit C to Pinellas County Resolution No. 08-110;

D. The incorporation and exercise of those joint planning procedures set forth in §163.3171, Fla. Stat. (2007), based on boundaries established in paragraph B above and Exhibit B attached to Pinellas County Resolution No. 08-110;

E. Declaration of legislative intent and a presumption that annexations that occur pursuant to any alternative procedures established by Pinellas County and the invited municipalities within the planning and annexation areas as set forth in paragraph B above and Exhibit B attached shall meet the "ability to serve" criteria established in Section 5(12) of Ch. 88-464, Laws of Fla. (1988), as amended;

F. Establishment of a recommended term of 10 years for any interlocal service boundary agreement negotiated

to completion, with a review of such agreement to be performed by the parties after the initial eight years.

4. In addition to the issues set forth in Section 3 of this Resolution, the governing body of the City of Pinellas Park hereby identifies the following issues to be negotiated in this process:

A. The establishment of municipal service areas, as defined in §171.202(11), Florida Statutes;

B. The establishment of unincorporated service areas, as defined in §171.202(16), Florida Statutes;

C. The meaning of enclaves, as defined pursuant to §§171.031(13) & 171.202(2), Florida Statutes, and the annexation and elimination of all enclaves located in Pinellas County, in accordance with Ch. 171, Florida Statutes and in particular, §171.046, Florida Statutes;

D. The ability of a municipality to annex any and all unincorporated areas within its service area, if such a municipal service area is agreed to in an interlocal service boundary agreement, without the municipality having to submit an ability to serve report for the unincorporated area. In the alternative, if no municipal service area is agreed to, the exact

criteria and relevant information needed for an "ability to serve report" which is required under §171.042, Florida Statutes and provided to both the Board of County Commissioners and Pinellas Planning Council, shall be determined;

E. The ability of a municipality to annex any and all unincorporated areas contained within its service area pursuant to §171.204, Florida Statutes, if such municipal service area is agreed to in an interlocal service boundary agreement, regardless of whether the area to be annexed is contiguous as defined in §171.031(11), Florida Statutes, compact as defined §171.031(12), Florida Statutes or creates an enclave as defined in §§171.031(13) & 171.202(2), Florida Statutes;

F. The ability of a municipality to annex any and all County-owned land, including but not limited to roads and rights-of-way, contained within its service area, if such municipal service area is agreed to in an interlocal service boundary agreement, without further approval or consent by Pinellas County. In the alternative, if no municipal service area is agreed to, the process and criteria by which a municipality can annex County-owned land, including but not limited

to roads and rights-of-way, into its municipal boundaries;

G. The appropriate length of term for the interlocal service boundary agreement and the process for periodic review, as required by Section 171.203(12), Florida Statutes;

H. The process, definitions, requirements and criteria for voluntary and referendum annexations contained in Ch. 171, Part I, Florida Statutes, which may be modified in accordance with Ch. 171, Part II, Florida Statutes;

I. Identification of the local government responsible for delivery or funding of services within a municipal service area or the unincorporated service area pursuant to §171.203(6), Florida Statutes, including public safety; fire, emergency rescue and medical; water and waste water; road ownership, construction and maintenance; conservation, parks and recreation; stormwater management; any other services or infrastructure not currently provided for by an electric utility natural gas transmission company, and any other service delivery issue;

J. In the event of the establishment of municipal services areas, the incorporation and exercise of

those joint planning procedures set forth in Ch. 163, Part II, Florida Statutes, and in particular §163.3171, Florida Statutes. If the interlocal service boundary agreement addresses the responsibilities for land use planning under Ch. 163, Florida Statutes, the agreement must provide for the establishment of procedures for preparing and adopting comprehensive plan amendments, administering land development regulations and issuing development orders.

5. The Clerk is hereby directed to provide a copy of this resolution, by United States Certified Mail, to the Chief Administrative Officer of every invited municipality, as set forth in Exhibit A and Pinellas County. The Clerk is further directed to send a copy of this resolution to the Chief Administrative Officer of each independent special district, as set forth in Exhibit D, in the unincorporated area designated within this Resolution.

SECTION ONE: That all resolutions or parts of resolutions in conflict with any of the provisions of this Resolution be and they are hereby repealed insofar as the same affect this Resolution.

SECTION TWO: That this resolution shall be in full force and effect immediately after its adoption and approval in the manner provided by law.

ADOPTED THIS _____ DAY OF _____, 2008.

AYES:

NAYS:

ABSENT:

ABSTAIN:

APPROVED THIS _____ DAY OF _____, 2008

William F. Mischler
MAYOR

ATTEST:

Diane M. Corna, MMC
CITY CLERK

RESOLUTION NO. 08-110

A RESOLUTION OF THE PINELLAS COUNTY BOARD OF COUNTY COMMISSIONERS, PURSUANT TO CHAPTER 171, PART II, FLORIDA STATUTES, THE INTERLOCAL SERVICE BOUNDARY AGREEMENT ACT, INITIATING THE PROCESS PROVIDED FOR THEREUNDER FOR THE PURPOSE OF ADDRESSING THE ISSUES MORE PARTICULARLY SET FORTH HEREIN.

WHEREAS, Part II, Chapter 171, Florida Statutes, entitled the “Interlocal Service Boundary Agreement Act” (Act) provides an alternative to Part I of said Chapter for local governments regarding the annexation of territory into a municipality and the subtraction of territory from the unincorporated area of the county; and

WHEREAS, the Act further intends to establish a more flexible process for adjusting municipal boundaries and to address a wider range of the effects of annexation; and

WHEREAS, a more flexible and clear process providing greater certainty is appropriate and desirable within Pinellas County given the highly urban character of the county, which distinguishes it from many of Florida’s other counties; and

WHEREAS, the overriding goal of the process set forth within the Act is to promote sensible boundaries that reduce the cost of local government, avoid duplicating local services and increase political transparency and accountability; and

WHEREAS, it is the intent of the Pinellas County Board of County Commissioners to initiate discussions with those invited municipalities listed in Exhibit A regarding the development of an interlocal service boundary agreement to address the above referenced concerns.

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Pinellas County, Florida, as follows:

1. The governing body of Pinellas County hereby invites the municipalities listed in Exhibit A to enter into negotiations under the Act to address issues concerning planning and annexation for the areas identified below and as set forth in Exhibit B.

2. The governing body of Pinellas County hereby defines the area to be considered as the geographical boundaries of Pinellas County as set forth in §7.52, Fla. Stat. (2007).

3. The governing body of Pinellas County hereby identifies the issues to be negotiated as follows:

A. The process, definitions, and criteria for voluntary and referendum annexations in replacement or modification of the requirements of Ch 171, Part I, Fla. Stat. (2007);

B. The establishment of municipal service areas, as defined in §171.202(11)(a), Fla. Stat., for each of the invited municipalities within which such municipalities may plan for and annex, and conversely, unincorporated service areas, as defined in §171.202(16)(a), Fla. Stat., which shall remain unincorporated, as suggested in Exhibit B, which exhibit consists of those planning areas previously provided for under Pinellas County Ordinance No. 00-63, as recommended for amendment by the Joint Pinellas Planning Council/Countywide Planning Authority Annexation Subcommittee convened in 2005-2006;

C. Incorporation of those relevant issues identified and agreed to in the Settlement Agreement between all of the Cities of Pinellas County, and Pinellas County, Florida for the Resolution of Issues Related to the Charter Review Committee, dated May 2, 2007, and attached hereto as Exhibit C;

D. The incorporation and exercise of those joint planning procedures set forth in §163.3171, Fla. Stat. (2007), based on boundaries established in paragraph B above and Exhibit B attached;

E. Declaration of legislative intent and a presumption that annexations that occur pursuant to any alternative procedures established by Pinellas County and the invited municipalities within the planning and annexation areas as set forth in paragraph B above and Exhibit B attached shall meet the "ability to serve" criteria established in Section 5(12) of ch. 88-464, Laws of Fla. (1988), as amended;

F. Establishment of a recommended term of 10 years for any interlocal service boundary agreement negotiated to completion, with a review of such agreement to be performed by the parties after the initial 8 years.

4. The Clerk is hereby directed to provide by United States Certified Mail to the Chief Administrative Officer of every invited municipality, as set forth in Exhibit A. The Clerk is further directed to send a copy to the Chief Administrative Officer of each independent special district, as set forth in Exhibit D, in the unincorporated area designated within this Resolution a copy of this Resolution.

This Resolution shall become effective upon its adoption.

Commissioner Latvala offered the foregoing resolution and moved for its adoption, which was seconded by Commissioner Welch upon the roll call the vote was:

Ayes: Harris, Latvala, Morroni and Welch.

Nays: None.

Absent and not voting: Stewart, Seel and Duncan.

APPROVED AS TO FORM
OFFICE OF COUNTY ATTORNEY



Attorney

EXHIBIT A

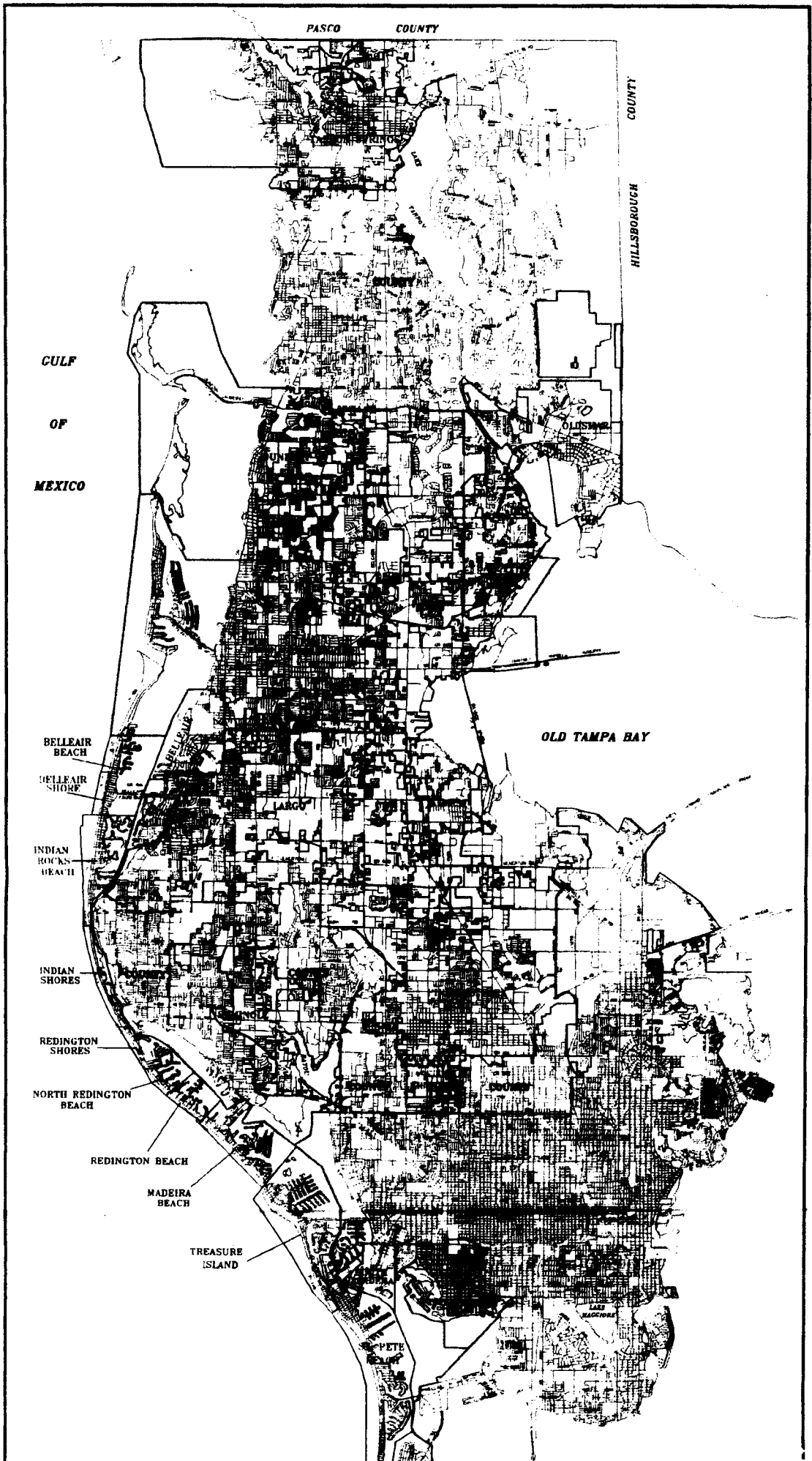
Invited Municipalities

- **Belleair**
- **Belleair Beach**
- **Belleair Bluffs**
- **Belleair Shore**
- **Clearwater**
- **Dunedin**
- **Gulfport**
- **Indian Rocks Beach**
- **Indian Shores**
- **Kenneth City**
- **Largo**
- **Madeira Beach**
- **North Redington Beach**
- **Oldsmar**
- **Pinellas Park**
- **Redington Beach**
- **Redington Shores**
- **Safety Harbor**
- **Seminole**
- **South Pasadena**
- **St. Pete Beach**
- **St. Petersburg**
- **Tarpon Springs**
- **Treasure Island**

EXHIBIT B

Proposed Planning/Annexation Areas

See Attached Map



PASCO COUNTY

HILLSBOROUGH COUNTY

GULF OF MEXICO

OLD TAMPA BAY

BELLEAIR BEACH

BELLEAIR SHORE

INDIAN ROCKS BEACH

INDIAN SHORES

REDINGTON SHORES

NORTH REDINGTON BEACH

REDINGTON BEACH

MADEIRA BEACH

TREASURE ISLAND

THE VILLAGE

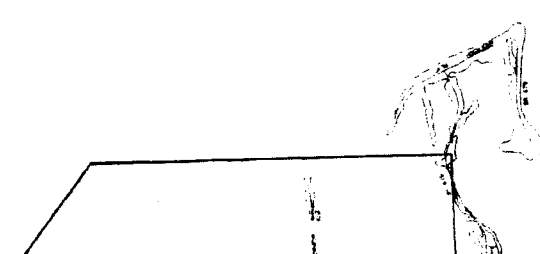
THE VILLAGE

PETE

OLIVER

LARGO

LAKE MARGARET



This drawing is a representation of the property as shown on the aerial photograph and is not intended to be used as a legal description of the property. It is the responsibility of the client to verify the accuracy of the information shown on this drawing. The Pinal County Assessor's Office is not responsible for any errors or omissions in this drawing.

JIM SMITH
 PINELLAS COUNTY PROPERTY APPRAISER

GRAPHICS PREPARED BY THE OFFICE OF THE
 PINELLAS COUNTY PROPERTY APPRAISER

ALL MEASUREMENTS ARE AS SHOWN ABOVE

DATE: OCTOBER 2007

SCALE: 1" = 13000'

PREPARED BY: THE PINELLAS PLANNING COUNCIL
 PINELLAS COUNTY, FLORIDA

EXHIBIT 1

EXHIBIT C

Settlement Agreement

**SETTLEMENT AGREEMENT BETWEEN
ALL THE CITIES OF PINELLAS COUNTY AND
PINELLAS COUNTY, FLORIDA FOR
THE RESOLUTION OF ISSUES RELATED TO THE CHARTER REVIEW
COMMITTEE**

THIS SETTLEMENT AGREEMENT ("Agreement") is entered into this ^{2nd} day of May, 2007, between the Cities and/or Towns of Belleair, Belleair Beach, Belleair Bluffs, Belleair Shore, Clearwater, Dunedin, Gulfport, Indian Rocks Beach, Indian Shores, Largo, Kenneth City, Madeira Beach, North Redington Beach, Oldsmar, Pinellas Park, Redington Beach, Redington Shores, Safety Harbor, St. Pete Beach, St. Petersburg, Seminole, South Pasadena, Tarpon Springs, and Treasure Island, all Florida municipal corporations ("Cities") and Pinellas County; a political subdivision of the State of Florida, ("County") (collectively "Parties") and Thomas Trask ("Trask").

WITNESSETH:

WHEREAS, the Pinellas County Charter Review Committee placed seven amendments to the Pinellas County Charter before the voters for referendum approval; and

WHEREAS, the Cities objected to the amendments for various legal and practical reasons; and

WHEREAS, the Cities filed a lawsuit against the County, Charter Review Commission and the Supervisor of Elections (City of Pinellas Park, et al vs Supervisor of Elections, et al, Circuit Civil Case No. 06-5975-CI-11) (hereinafter referred to as "Lawsuit"); and

WHEREAS, the County filed a counterclaim to the Lawsuit which alleged that portions of the County Charter protecting the rights of the Cities by a 'dual vote' as to the transfer of certain matters was unconstitutional; and

WHEREAS, the Court denied the Cities' request for injunctive relief before the election; and

WHEREAS, the voters rejected four of the proposed amendments; and

WHEREAS, the Cities have no objection to Amendment 1; and

WHEREAS, the Cities believe that the ballot language for Amendments 5 and 6 is ambiguous and does not accurately reflect the actual amendments proposed to be included in the Pinellas County Charter; and

WHEREAS, the Cities and County have met to discuss a resolution of the Lawsuit which would reflect the will of the voters as identified in the ballot questions; and

WHEREAS, it is in the best interests of the Parties to resolve these issues; and

WHEREAS, by entering into this Agreement neither the Cities, individually or collectively, nor the County waive any defense in any action relating to annexation nor shall they be estopped from raising any defense in any action relating to annexation as a result of this Agreement; and

WHEREAS, this Agreement is entered into between the Parties to settle the foregoing Lawsuit and to address issues of concern expressed by the Cities and County; and

WHEREAS, reference to the 'Cities' or 'Parties' in these 'WHEREAS' clauses shall not include the cities of Dunedin, Redington Beach, and Indian Rocks Beach who were not parties to the Lawsuit, however because they are necessary parties to this Agreement, they are included in references to 'Cities' and 'Parties' in the remainder of this Agreement; and

WHEREAS, reference to the 'Cities', 'County', and 'Parties' shall include their elected officials, appointed officials, employees, agents, persons or entities contracting with them, or any other person or entity associated or affiliated with one or more of the Cities and County.

NOW THEREFORE, in consideration of one dollar and other good and valuable consideration, the receipt and adequacy of which is hereby acknowledged and the promises and covenants contained herein, the Parties and Trask agree as follows:

1. The above recitations are true and correct and are incorporated herein by reference.
2. The Parties named in the Lawsuit hereby agree to settle the above referenced Lawsuit in the following manner and the Parties not named in the lawsuit hereby also agree to the following:
 - a. Notwithstanding any other provision of law, with respect to monetary incentives, an annexing municipality and the County may only offer, negotiate, agree to provide, or provide, incentives or inducements in conjunction or connection with an annexation proposal which (1) improve public properties, rights of way, or easements and the infrastructure and/or facilities located thereon or therein, (2) involve the acquisition of property for public use or benefit, (3) are in furtherance of the closure of enclaves, (4) provide public services and/or facilities, (5) waive or pay development, permit and/or application fees, or (6) otherwise advance a paramount public purpose as defined by Florida law.
 - b. Consents required by Section 171.0413(5) and (6), F.S. shall be express and in writing. Such consent shall be obtained by the annexing municipality at least ten (10) days prior to any referendum required pursuant to Section 171.0413, F.S. or at least ten (10) days prior to the public hearing on the ordinance required for annexation pursuant to Section 171.0413(6).
 - c. Without the current property owner's written permission, no municipality in Pinellas County shall subject any property to a referendum pursuant to Section 171.0413, F.S. for a period of seven years from the last date that such property was subject to an annexation referendum.
 - d. No municipality in Pinellas County shall subject any property to a referendum pursuant to Section 171.0413, F.S. unless an informational notice has been mailed to all affected property owners at least ten days prior to the public hearing.
 - e. The Parties agree that the dual vote provision set forth in Section 6.04 of the County Charter is constitutional, the County shall not support any future litigation challenging the constitutionality of that provision, nor shall the County support legislation or referenda seeking to remove this provision from the Charter. The County shall notify the Cities within thirty days of receipt of service

of any lawsuit or the filing of any claim challenging this provision. The Parties shall request the Court to enter a judgment finding this provision to be constitutional.

f. The Parties shall not draft, support, request, or propose any enabling legislation for Amendments 5 and 6. The Parties hereby jointly request present and future legislatures and legislative delegations to not pass any enabling legislation with respect to Amendments 5 and 6.

g. The Charter Review Commission and the Supervisor of Elections shall be dismissed from the Lawsuit. The remaining claims in the above referenced Lawsuit and counterclaim, and the lawsuit filed by Tom Trask, styled Trask vs Pinellas County, Circuit Civil No. 06-7171-CI-11 shall be dismissed.

h. All Parties shall bear their own fees and costs (this shall not apply to any cost sharing agreement between the Cities for the Cities' fees or costs).

i. This Agreement shall, to the extent necessary to be enforceable, constitute an interlocal agreement between the parties.

j. This Agreement shall, to the extent necessary to be enforceable, constitute an interlocal agreement between the parties entered into pursuant to Part II, Chapter 171 Florida Statutes.

k. As a result of entering into this Agreement, neither the Cities, individually or collectively, nor the County waive any defense in any current or future action relating to annexation nor shall they be estopped from raising any defense in any current or future action relating to annexation nor shall they be prevented in any way from raising any claim in any current or future lawsuit relating to annexation. The foregoing shall not apply to any action necessary to enforce the terms of this Agreement.

l. This Agreement may be executed in several counterparts, each of which shall be deemed an original, and all such counterparts taken together shall constitute one agreement.

3. The Court shall retain jurisdiction to enforce the terms of this Agreement.

IN WITNESS WHEREOF the Parties hereto have caused this Agreement to be executed by their duly authorized representatives on the day and date first above written.

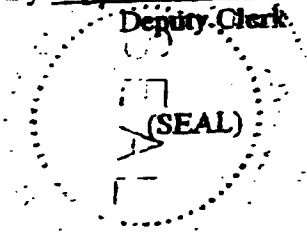
END OF SUBSTANTIVE PROVISIONS. SIGNATURE PAGES TO FOLLOW.

PINELLAS COUNTY

**ATTEST:
KEN BURKE, CLERK**

**PINELLAS COUNTY, FLORIDA, by and
through its Board of County Commissioners**

By: *Leslie R. Rice*
Deputy Clerk



By: *[Signature]*
Chairman

APPROVED AS TO FORM:

H. Bennett
Office of the County Attorney

EXHIBIT D

Notified Independent Special Districts

- **Southwest Florida Water Management District (SWFWMD)**
- **Tampa Bay Water (TBW)**
- **Pinellas Park Water Management District (PPWMD)**
- **Pinellas Suncoast Fire & Rescue District**
- **Eastlake Special Fire Control District**
- **Lealman Special Fire Control District**
- **Palm Harbor Special Fire Control & Rescue District**
- **Clearwater Cay Community Development District**
- **Eastlake Oaks Community Development District**
- **Entrada Community Development District**

MEMORANDUM

TO: Mayor and City Council

FROM: Thomas L. Shevlin,
Community Development Administrator

RE: A Resolution accepting Pinellas County's invitation to address issues concerning planning and annexation boundaries as part of an Interlocal Service Boundary Agreement.

DATE: August 26, 2008

PURPOSE:

The purpose of this report is to consider the merits of meeting with Pinellas County to discuss new procedures for annexations and revisions to planning and annexation boundaries.

PRESENT SITUATION:

Chapter 171, Florida Statutes, Interlocal Service Boundary Agreement Act, allows for the establishment of a more flexible process for adjusting municipal boundaries. With the elimination of Pinellas County Ordinance 00-63, the process of annexation has become more costly and time consuming. The current planning and annexation boundaries include some of the Lealman Fire District which the Council has agreed not to annex into. Further, if the City does not agree to participate, the City will be bound by any interlocal agreement resulting from the negotiation process.

PROPOSAL:

The City is proposing a revised service boundary map which deletes the properties served by the Lealman Fire District, but includes the properties between Starkey Road and Belcher Road from Park Blvd. to Bryan Dairy Road.

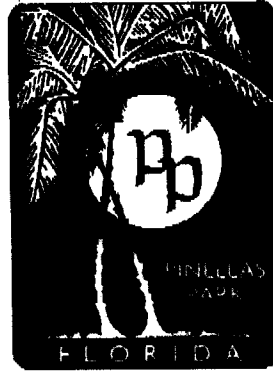
Staff wishes to revise the annexation process by:

1. Provide for the annexation of non-contiguous properties within enclaves.
2. Allowing one master document to serve as the City's response on ability to serve.
3. Allow annexations for properties within planning boundaries that are less than substantially contiguous.
4. Provide for the annexation of County owned lands. Enumerate County lands and facilities such as roads and drainage facilities that will remain the County's responsibility after annexation.
5. Provide a time frame for the agreement.
6. Modify the annexation process by reducing advertising to one legal ad.
7. Identify service areas for municipal services.
8. Provide for joint land use planning procedures.

City of
PINELLAS PARK

5141 70TH AVE. • P.O. BOX 1100
PINELLAS PARK, FL 33780-1100

Please Respond To:
James W. Denhardt, City Attorney
Law Offices of James W. Denhardt
2700 First Avenue North
St. Petersburg, Florida 33713
(727) 327-3400



FLORIDA

PHONE • (727) 541-0700
FAX • (727) 544-7448
SUNCOM • 989-1011

August 28, 2008

Mr. Tom Shevlin
Assistant City Manager
City of Pinellas Park
P. O. Box 1100
Pinellas Park, Florida 33780

RE: City Document 08-222
Interlocal Service Boundary Agreement Resolution

Dear Mr. Shevlin:

I received yesterday via email the latest version of St. Petersburg's proposed responding resolution to the County's initiating resolution concerning annexation, and also received yesterday afternoon via facsimile a copy of Pinellas Park's most recent proposed responding resolution. At your request, I have compared and reviewed the two responding resolutions to determine if there is anything in St. Petersburg's resolution that is not contained in Pinellas Park's resolution that I believe would be crucial to or significant to Pinellas Park.

In reviewing and comparing the two resolutions, it appears that the items contained in the proposed Pinellas Park resolution are sufficient to satisfy the statutory requirements for a responding resolution. In addition, it does not appear that any items contained in the St. Petersburg resolution that are not contained in the Pinellas Park resolution would be necessary in our resolution. In summary, I would approve of the proposed Pinellas Park resolution in its present form, as to form and content.

Very truly yours,

James W. Denhardt
City Attorney

cc: Mr. Michael B. Gustafson, City Manager
Diane M. Corna, MMC, City Clerk

JWD/dh



PRINTED ON RECYCLED PAPER