

Resolution No. 2008-\_\_\_\_\_

A RESOLUTION AUTHORIZING THE MAYOR AND THE CITY CLERK TO CERTIFY AND FILE THE MAP OF THE SUNRISE DRIVE SOUTH RIGHT-OF-WAY BETWEEN 39TH AND 46TH AVENUES SOUTH, IN ST. PETERSBURG, ATTACHED HERETO AS EXHIBIT "A", IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OF PINELLAS COUNTY IN ACCORDANCE WITH SECTION 95.361, FLORIDA STATUTES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, that portion of the Sunrise Drive South right-of-way between 39th and 46th Avenues South (hereinafter referred to as the "Sunrise Drive South Right-Of-Way") as described in the Map which is attached hereto and incorporated herein as Exhibit "A" and as more particularly described in the legal description attached hereto and incorporated herein as Exhibit "B" is a right-of-way located in the City of St. Petersburg on which the City has performed documented regular maintenance and repairs for more than the immediate past seven (7) years as described in affidavits sworn to by City staff and which affidavits are attached hereto and incorporated herein as Exhibit "C"; and

WHEREAS, Section 95.361, Florida Statutes, details the procedure for a local government to claim a vested interest in a road; and

WHEREAS, Section 95.361(2), Florida Statutes provides that when "...a road has been constructed by a non-governmental entity, or where the road was not constructed by the entity currently maintaining or repairing it, or where it cannot be determined who constructed the road and when such road has been regularly maintained or repaired for the immediate past 7 years by a ...municipality...which road shall be deemed to be dedicated to the public to the extent of the width that actually has been maintained or repaired for the prescribed period, whether or not the road has been formally established as a public highway..."; and

WHEREAS, Sunrise Drive South Right-Of-Way is 60 feet in width and has been regularly maintained and repaired by the City for a period of at least the immediate past seven (7) years prior to the date of this resolution; and

WHEREAS, under the criteria set forth in Section 95.361, Florida Statutes, said Sunrise Drive South Right-Of-Way is deemed dedicated to the City to the extent of the 60 foot width of the Sunrise Drive South Right-Of-Way which has been regularly maintained and repaired for the proscribed period by the City; and

WHEREAS, Section 95.361(3) provides that "...the filing of a map in the office of the clerk of the circuit court of the county where the road is located showing the lands and reciting on it that the road has vested in ...a municipality in accordance with subsection ...(2), duly certified by ...(c) the mayor and clerk of the municipality...shall be prima facie evidence of ownership of the land by the ...municipality."; and

WHEREAS, the dedication of the Sunrise Drive South Right-Of-Way shall vest all rights, title, easement and appurtenances in and to said Sunrise Drive South Right-Of-Way; and

WHEREAS, it is in the best interest of the City and its residents that the City asserts its ownership of Sunrise Drive South Right-Of-Way pursuant to Section 95.361, Florida Statutes, and such acquisition will benefit the citizens of the City of St. Petersburg.

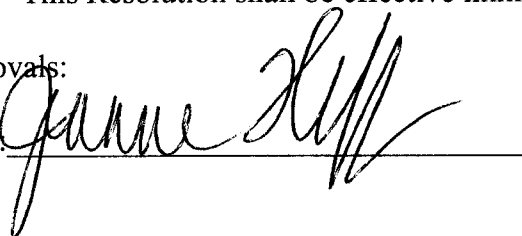
NOW THEREFORE BE IT RESOLVED by the City Council of the City of St. Petersburg, Florida that the above recitals, incorporated by reference into the body of the Resolution, are hereby adopted as findings of fact.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of St. Petersburg, Florida that the Mayor and the City Clerk are authorized to certify and file the Map of Sunrise Drive South Right-Of-Way attached hereto as Exhibit "A", in the office of the Clerk of the Circuit Court of Pinellas County in accordance with Section 95.361, Florida Statutes.

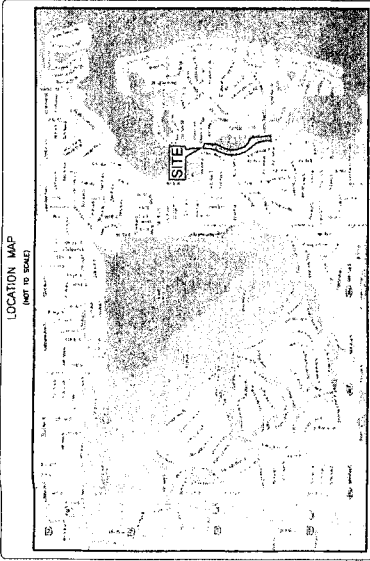
This Resolution shall be effective immediately upon its adoption.

Approvals:

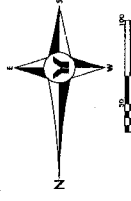
Legal:

A handwritten signature in black ink is written over a horizontal line. The signature is cursive and appears to read "James Hill".

LOCATION MAP  
(NOT TO SCALE)



It is hereby certified on \_\_\_\_\_ that:  
 the Sunrise Drive South right-of-way herein identified on the map  
 as "Parcel A" between 39th Avenue South and 46th Avenue South  
 is vested in the City of St. Petersburg, Florida, a municipal  
 corporation, pursuant to section 95-361, Florida Statutes.



Mayor, City of St. Petersburg  
 City Clerk, City of St. Petersburg

A BOUNDARY SURVEY OF

**PARCEL "A"**  
 That 60-foot wide strip of land being Sunrise Drive South (Sunrise Avenue - plat), as shown on BAYOU BONITA, as recorded in Plat Book 5, Pages 4 and 5, Public Records of Pinellas County, Florida, and as shown on BAYOU BONITA SECTION 18, as recorded in Plat Book 5, Page 46, Public Records of Pinellas County, Florida, being bounded on the north by the South right-of-way line of Sunrise Avenue - plat) being Eastern of said 60-foot wide strip, being located Eastern of 42nd Avenue South (Boulevard - plat) as shown on aforesaid plat of BAYOU BONITA, Lines and except any portion thereof lying below the mean high water line of Bahia Bay.

Containing 184,457 square feet, or 3.77 acres, more or less  
 TOGETHER WITH

**PARCEL "B"**  
 Those lands lying between the East line of Parcel "A" (being described as that 60-foot wide strip of land being Sunrise Drive South (Sunrise Avenue - plat), as shown on BAYOU BONITA, as recorded in Plat Book 5, Pages 4 and 5, Public Records of Pinellas County, Florida, and as shown on BAYOU BONITA SECTION 18, as recorded in Plat Book 5, Page 46, Public Records of Pinellas County, Florida, together with that additional portion of Sunrise Drive South (Sunrise Avenue - plat) being Eastern of said 60-foot wide strip, being located Eastern of 42nd Avenue South (Boulevard - plat) as shown on aforesaid plat of BAYOU BONITA, Lines and except any portion thereof lying below the mean high water line of Bahia Bay, and the Western mean high water line of Bahia Bay, being bounded on the north by the South right-of-way line of 46th Avenue South (Boulevard - plat) and being bounded on the south by the North right-of-way line of 46th Avenue South.

Containing 40,209 square feet, or 0.92 acres, more or less

LEGEND

- 1. 1/4" = 10' SCALE
- 2. 1/8" = 20' SCALE
- 3. 1/16" = 40' SCALE
- 4. 1/32" = 80' SCALE
- 5. 1/64" = 160' SCALE
- 6. 1/128" = 320' SCALE
- 7. 1/256" = 640' SCALE
- 8. 1/512" = 1280' SCALE
- 9. 1/1024" = 2560' SCALE
- 10. 1/2048" = 5120' SCALE
- 11. 1/4096" = 10240' SCALE
- 12. 1/8192" = 20480' SCALE
- 13. 1/16384" = 40960' SCALE
- 14. 1/32768" = 81920' SCALE
- 15. 1/65536" = 163840' SCALE
- 16. 1/131072" = 327680' SCALE
- 17. 1/262144" = 655360' SCALE
- 18. 1/524288" = 1310720' SCALE
- 19. 1/1048576" = 2621440' SCALE
- 20. 1/2097152" = 5242880' SCALE
- 21. 1/4194304" = 10485760' SCALE
- 22. 1/8388608" = 20971520' SCALE
- 23. 1/16777216" = 41943040' SCALE
- 24. 1/33554432" = 83886080' SCALE
- 25. 1/67108864" = 167772160' SCALE
- 26. 1/134217728" = 335544320' SCALE
- 27. 1/268435456" = 671088640' SCALE
- 28. 1/536870912" = 1342177280' SCALE
- 29. 1/1073741824" = 2684354560' SCALE
- 30. 1/2147483648" = 5368709120' SCALE
- 31. 1/4294967296" = 10737418240' SCALE
- 32. 1/8589934592" = 21474836480' SCALE
- 33. 1/17179869184" = 42949672960' SCALE
- 34. 1/34359738368" = 85899345920' SCALE
- 35. 1/68719476736" = 171798691840' SCALE
- 36. 1/137438953472" = 343597383680' SCALE
- 37. 1/274877907344" = 687194767360' SCALE
- 38. 1/549755814688" = 1374389534720' SCALE
- 39. 1/1099511629376" = 2748779073440' SCALE
- 40. 1/2199023258752" = 5497558146880' SCALE
- 41. 1/4398046517504" = 10995116293760' SCALE
- 42. 1/8796093035008" = 21990232587520' SCALE
- 43. 1/17592186070016" = 43980465175040' SCALE
- 44. 1/35184372140032" = 87960930350080' SCALE
- 45. 1/70368744280064" = 175921860700160' SCALE
- 46. 1/140737488560128" = 351843721400320' SCALE
- 47. 1/281474977120256" = 703687442800640' SCALE
- 48. 1/562949954240512" = 1407374885601280' SCALE
- 49. 1/1125899908481024" = 2814749771202560' SCALE
- 50. 1/2251799816962048" = 5629499542405120' SCALE
- 51. 1/4503599633924096" = 11258999084810240' SCALE
- 52. 1/9007199267848192" = 22517998169620480' SCALE
- 53. 1/18014398535696384" = 45035996339240960' SCALE
- 54. 1/36028797071392768" = 90071992678481920' SCALE
- 55. 1/72057594142785536" = 180143985356963840' SCALE
- 56. 1/144115188285571072" = 360287970713927680' SCALE
- 57. 1/288230376571142144" = 720575941427855360' SCALE
- 58. 1/576460753142284288" = 1441151882855710720' SCALE
- 59. 1/1152921506284568576" = 2882303765711421440' SCALE
- 60. 1/2305843012569137152" = 5764607531422842880' SCALE
- 61. 1/4611686025138274304" = 11529215062845685760' SCALE
- 62. 1/9223372050276548608" = 23058430125691371520' SCALE
- 63. 1/18446744100553097216" = 46116860251382743040' SCALE
- 64. 1/36893488201106194432" = 92233720502765486080' SCALE
- 65. 1/73786976402212388864" = 184467441005530972160' SCALE
- 66. 1/147573952804424777728" = 368934882011061944320' SCALE
- 67. 1/295147905608849555456" = 737869764022123888640' SCALE
- 68. 1/590295811217699110912" = 1475739528044247777280' SCALE
- 69. 1/1180591622435398221824" = 2951479056088495554560' SCALE
- 70. 1/2361183244870796443648" = 5902958112176991109120' SCALE
- 71. 1/4722366489741592887296" = 11805916224353982218240' SCALE
- 72. 1/9444732979483185774592" = 23611832448707964436480' SCALE
- 73. 1/18889465558966371549184" = 47223664897415928872960' SCALE
- 74. 1/37778931117932743098368" = 94447329794831857745920' SCALE
- 75. 1/75557862235865486196736" = 188894655589663715491840' SCALE
- 76. 1/151115724471730972393472" = 377789311179327430983680' SCALE
- 77. 1/302231448943461944786944" = 755578622358654861967360' SCALE
- 78. 1/604462897886923889573888" = 1511157244717309723934720' SCALE
- 79. 1/1208925795773847779147776" = 3022314489434619447869440' SCALE
- 80. 1/2417851591547695558295552" = 6044628978869238895738880' SCALE
- 81. 1/4835703183095391116591104" = 12089257957738477791477760' SCALE
- 82. 1/9671406366190782233182208" = 24178515915476955582955520' SCALE
- 83. 1/19342812732381564466364416" = 48357031830953911165911040' SCALE
- 84. 1/38685625464763128932728832" = 96714063661907822331822080' SCALE
- 85. 1/77371250929526257865457664" = 193428127323815644663644160' SCALE
- 86. 1/154742501859052515730915328" = 386856254647631289327288320' SCALE
- 87. 1/309485003718105031461830656" = 773712509295262578654576640' SCALE
- 88. 1/618970007436210062923661312" = 1547425018590525157309153280' SCALE
- 89. 1/1237940014832420125847322624" = 3094850037181050314618306560' SCALE
- 90. 1/2475880029664840251694645248" = 6189700074362100629236613120' SCALE
- 91. 1/4951760059329680503389290496" = 12379400148324201258473226240' SCALE
- 92. 1/9903520118659361006778580992" = 24758800296648402516946452480' SCALE
- 93. 1/19807040237318722013557161984" = 49517600593296805033892904960' SCALE
- 94. 1/39614080474637444027114323968" = 99035201186593610067785809920' SCALE
- 95. 1/79228160949274888054228647936" = 198070402373187220135571619840' SCALE
- 96. 1/158456321896497776108457295872" = 396140804746374440271143239680' SCALE
- 97. 1/316912643792995552216914591744" = 792281609492748880542286479360' SCALE
- 98. 1/633825287585991104433829183488" = 1584563218964977761084572958720' SCALE
- 99. 1/1267650575171982208867658366976" = 3169126437929955522169145917440' SCALE
- 100. 1/2535301150343964417735316733952" = 6338252875859911044338291834880' SCALE
- 101. 1/5070602300687928835470633467904" = 12676505751719822088676583669760' SCALE
- 102. 1/1014120460137585767094126693808" = 25353011503439644177353167339520' SCALE
- 103. 1/2028240920275171534188253387712" = 50706023006879288354706334679040' SCALE
- 104. 1/4056481840550343068376506775424" = 10141204601375857670941266938080' SCALE
- 105. 1/8112963681100686136753013550848" = 20282409202751715341882533877120' SCALE
- 106. 1/16225927362213372273506027101696" = 40564818405503430683765067754240' SCALE
- 107. 1/32451854724426744547012054203392" = 81129636811006861367530135508480' SCALE
- 108. 1/64903709448853489094024108406784" = 162259273622133722735060271016960' SCALE
- 109. 1/129807418897708978188048216813568" = 324518547244267445470120542033920' SCALE
- 110. 1/259614837795417956376096436227136" = 649037094488534890940241084067840' SCALE
- 111. 1/51922967559083591275219287245472" = 1298074188977089781880482168135680' SCALE
- 112. 1/103845935118167182550438574510944" = 2596148377954179563760964362271360' SCALE
- 113. 1/207691870236334365100877149021888" = 519229675590835912752192872454720' SCALE
- 114. 1/415383740472668730201754298043776" = 1038459351181671825504385745109440' SCALE
- 115. 1/830767480945337460403508596087552" = 2076918702363343651008771490218880' SCALE
- 116. 1/1661534961890674920807017192175104" = 4153837404726687302017542980437760' SCALE
- 117. 1/3323069923781349841614034384350208" = 8307674809453374604035085960875520' SCALE
- 118. 1/6646139847562699683228068768700416" = 16615349618906749208070171921751040' SCALE
- 119. 1/1329227969512539936645613537400832" = 33230699237813498416140343843502080' SCALE
- 120. 1/2658455939025079873291227074801664" = 66461398475626996832280687687004160' SCALE
- 121. 1/5316911878050159746582454149603328" = 13292279695125399366456135374008320' SCALE
- 122. 1/10633823756100319493164888299206656" = 26584559390250798732912270748016640' SCALE
- 123. 1/21267647512200638986329776598413312" = 53169118780501597465824541496033280' SCALE
- 124. 1/42535295024401277972659553197626624" = 106338237561003194931648882992066560' SCALE
- 125. 1/85070590048802555945319106395253248" = 212676475122006389863297765984133120' SCALE
- 126. 1/170141180097605111890638212790506496" = 425352950244012779726595531976266240' SCALE
- 127. 1/340282360195210223781276425581012992" = 850705900488025559453191063952532480' SCALE
- 128. 1/680564720390420447562552851162025984" = 1701411800976051118906382127905064960' SCALE
- 129. 1/1361129440780840895125105702324051968" = 3402823601952102237812764255810129920' SCALE
- 130. 1/2722258815761681790250211404648103936" = 6805647203904204475625528511620259840' SCALE
- 131. 1/5444517631523363580500422809296207872" = 13611294407808408951251057023240519680' SCALE
- 132. 1/10889035260467327161000845618592515744" = 27222588157616817902502114046481039360' SCALE
- 133. 1/21778070520934654322001691237185031488" = 54445176315233635805004228092962078720' SCALE
- 134. 1/4355614104186930864400338247437006976" = 108890352604673271610008456185925157440' SCALE
- 135. 1/8711228208373861728800676494874013952" = 217780705209346543220016912371850314880' SCALE
- 136. 1/17422456416747723577601352989748027904" = 43556141041869308644003382474370069760' SCALE
- 137. 1/34844912833495447155202705979496057808" = 87112282083738617288006764948740139520' SCALE
- 138. 1/6968982566699089431040541195899211571616" = 174224564167477235776013529897480279040' SCALE
- 139. 1/13937965133398178862081082391798223443232" = 348449128334954471552027059794960578080' SCALE
- 140. 1/2787593026679635772416216582359644686464" = 69689825666990894310405411958992115716160' SCALE
- 141. 1/55751860533592715448324331647192893732288" = 139379651333981788620810823917982234432320' SCALE
- 142. 1/1115037210671854286966486729343778645568" = 27875930266796357724162165823596446864640' SCALE
- 143. 1/2230074421343708573932973578687551311136" = 557518605335927154483243316471928937322880' SCALE
- 144. 1/4460148842687417147865947157375102222272" = 11150372106718542869664867293437786455680' SCALE
- 145. 1/892029768537483429573189431475024444544" = 22300744213437085739329735786875513111360' SCALE
- 146. 1/1784059537074966459146388822950048889088" = 44601488426874171478659471573751022222720' SCALE
- 147. 1/3568119074149932918292777655900977781776" = 8920297685374834295731894314750244445440' SCALE
- 148. 1/7136238148299865836585555311800195563552" = 17840595370749664591463888229500488890880' SCALE
- 149. 1/142724762965997316731711110636003911267104" = 35681190741499329182927776559009777817760' SCALE
- 150. 1/285449525931994633463422221224007822534208" = 71362381482998658365855553118001955635520' SCALE
- 151. 1/570899051863989266926844442448015645068416" = 1427247629659973167317111106360039112671040' SCALE
- 152. 1/114179810372797853385368884489603129136832" = 2854495259319946334634222212240078225342080' SCALE
- 153. 1/228359620745595706770737768979206258273664" = 5708990518639892669268444424480156450684160' SCALE
- 154. 1/456719241491191413541475537958412516547328" = 1141798103727978533853688844896031291368320' SCALE
- 155. 1/913438482982382827082951075916825033094656" = 2283596207455957067707377689792062582736640' SCALE
- 156. 1/182687696596476565416590215183360006618912" = 4567192414911914135414755379584125165473280' SCALE
- 157. 1/365375393192953130833180430366720133837824" = 9134384829823828270829510759168250330946560' SCALE
- 158. 1/73075078638590626166636086073344026767568" = 1826876965964765654165902151833600066189120' SCALE
- 159. 1/146150157277181252333272172146688053535136" = 3653753931929531308331804303667201338378240' SCALE
- 160. 1/292300314554362504666544344293376107070272" = 730750786385906261666360860733440267675680' SCALE
- 161. 1/584600629108725009333088688586752214140544" = 1461501572771812523332721721466880535351360' SCALE
- 162. 1/116920125821745001866617737717350442828088" = 2923003145543625046665443442933761070702720' SCALE
- 163. 1/233840251643490003733235475434700856556176" = 5846006291087250093330886885867522141405440' SCALE
- 164. 1/467680503286980007466470950869401713112352" = 1169201258217450018666177377173504428280880' SCALE
- 165. 1/93536100657396001493294190173880342622504" = 2338402516434900037332354754347008565561760' SCALE
- 166. 1/187072201314792002966588383547760654445008" = 4676805032869800074664709508694017131123520' SCALE
- 167. 1/3741444026295840059331767670955213090016" = 935361006573960014932941901738803426225040' SCALE
- 168. 1/7482888052591680118663535341910426180032" = 1870722013147920029665883835477606544450080' SCALE
- 169. 1/1496577610518360037332707070382045360064" = 3741444026295840











PARCEL "A"

That 60-foot wide strip of land being Sunrise Drive South (Sunrise Avenue - plat), as shown on BAYOU BONITA as recorded in Plat Book 5, Pages 4 and 5, Public Records of Pinellas County, Florida, and as shown on BAYOU BONITA SECTION B, as recorded in Plat Book 5, Page 40, Public Records of Pinellas County, Florida, being bounded on the North by the South right-of-way line of 39th Avenue South (Park Boulevard - plat) and being bounded on the South by the North right-of-way line of 46th Avenue South, together with that additional portion of Sunrise Drive South (Sunrise Avenue - plat) lying Easterly of said 60-foot wide strip, being located Easterly of 42nd Avenue South (Bayou Boulevard - plat) as shown on aforesaid plat of BAYOU BONITA. Less and except any portion thereof lying below the mean high water line of Bonita Bayou.

Containing 164,457 square feet, or 3.77 acres, more or less

Exhibit "B"

IN THE CIRCUIT COURT FOR PINELLAS COUNTY, FLORIDA  
CIVIL DIVISION  
Case No. 07-010052CI-11  
UCN: 522007CA010052XXCICI

BAYOU BONITA LAND TRUST NO. 1  
dated February 7, 2007, by and through its Trustees,  
TERRY CLARKE, IRA RHODES AND BARTOL  
BARBALICH

Plaintiff,

vs.

CITY OF ST. PETERSBURG, a Florida municipal  
corporation, NGUYET LAUBENGEYER,  
a single woman, et al.

Defendants.

**AFFIDAVIT OF JOHN RIERA**

STATE OF FLORIDA  
COUNTY OF PINELLAS

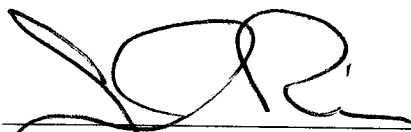
BEFORE ME, personally appeared JOHN RIERA, who after being duly sworn deposes  
and states as follows:

1. I am the Water Maintenance Manager for the Water Resources Department for the City of St. Petersburg and have worked in this department for over 40 years and are familiar with all matters set forth herein.
2. The Water Resources Department is responsible for water, wastewater and reclaimed water.
3. As it relates to the subject location, as depicted in Exhibit "A", this department has installed a new wastewater force main, repaired leaks and serviced fire hydrants and valves.

— Exhibit "C" —

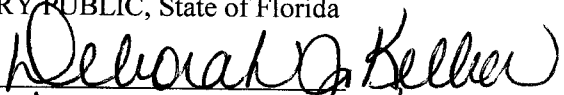
4. To the best of my information and belief, the Water Resource Department has regularly maintained and repaired and been responsible for service and installations at the subject location for over 40 years.

AND FURTHER AFFIANT SAYETH NAUGHT.

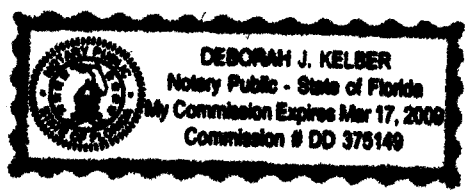
  
\_\_\_\_\_  
JOHN RIERA

The foregoing was subscribed and sworn to before me the 5 day of December 2008, by JOHN RIERA, who is personally known to me or who presented DRIVER LICENSE as identification, and who appeared before me at the time of notarization.

NOTARY PUBLIC, State of Florida

SIGN: 

PRINT: Deborah J. Kelber



IN THE CIRCUIT COURT FOR PINELLAS COUNTY, FLORIDA  
CIVIL DIVISION  
Case No. 07-010052CI-11  
UCN: 522007CA010052XXCICI

BAYOU BONITA LAND TRUST NO. 1  
dated February 7, 2007, by and through its Trustees,  
TERRY CLARKE, IRA RHODES AND BARTOL  
BARBALICH

Plaintiff,

vs.

CITY OF ST. PETERSBURG, a Florida municipal  
corporation, NGUYET LAUBENGEYER,  
a single woman, et al.

Defendants.

---

**AFFIDAVIT OF CARL BLAHUT**

STATE OF FLORIDA  
COUNTY OF PINELLAS

BEFORE ME, personally appeared CARL BLAHUT, who after being duly sworn  
deposes and states as follows:

1. I am the Director of Stormwater, Pavement and Traffic Operations Department for the City of St. Petersburg and have worked in this department for over 33 years and am familiar with all matters set forth herein.
2. To the best of my information and belief, this department has regularly maintained the subject location, which is depicted on Exhibit "A", by street sweeping for over 19 years.

AND FURTHER AFFIANT SAYETH NAUGHT.

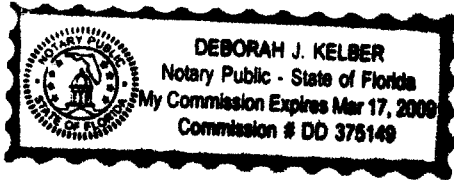
Carl Blahut  
CARL BLAHUT

The foregoing was subscribed and sworn to before me the 4 day of December  
2008, by CARL BLAHUT, who is personally known to me or who presented  
Driver license as identification, and who appeared before me at the time of  
notarization.

NOTARY PUBLIC, State of Florida

SIGN: Deborah J. Kelber

PRINT: Deborah J. Kelber



IN THE CIRCUIT COURT FOR PINELLAS COUNTY, FLORIDA  
CIVIL DIVISION

Case No. 07-010052CI-11  
UCN: 522007CA010052XXCICI

BAYOU BONITA LAND TRUST NO. 1  
dated February 7, 2007, by and through its Trustees,  
TERRY CLARKE, IRA RHODES AND BARTOL  
BARBALICH

Plaintiff,

vs.

CITY OF ST. PETERSBURG, a Florida municipal  
corporation, NGUYET LAUBENGEYER,  
a single woman, et al.

Defendants.

---

**AFFIDAVIT OF LANE LONGLEY**

STATE OF FLORIDA  
COUNTY OF PINELLAS

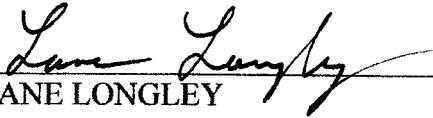
BEFORE ME, personally appeared LANE LONGLEY, who after being duly sworn  
deposes and states as follows:

1. I am the Manager of the Wastewater Collection System, Maintenance Division, of the Water Resources Department for the City of St. Petersburg and have worked in this department for over 10 years and am familiar with all matters set forth herein.
2. This department maintains the wastewater collection system which consists primarily of pipes and manholes throughout the City of St. Petersburg.
3. As it relates to the subject location, which is depicted in Exhibit "A" this department has regularly maintained and repaired pipes and manholes as needed, and specifically paid to install Cured-In-Place Pipe on Sunrise Drive South. Additionally, the City coated each

manhole in the subject location with cementitious material to rehabilitate and extend its useful life.

4. To the best of my information and belief, the Water Resource Department has been responsible for service, repairs and installations at the subject location at least since 1962.

AND FURTHER AFFIANT SAYETH NAUGHT.

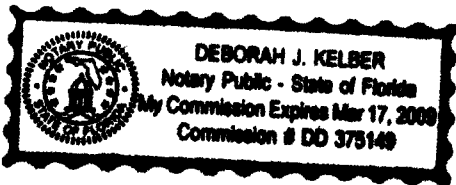
  
LANE LONGLEY

The foregoing was subscribed and sworn to before me the 4 day of December 2008, by LANE LONGLEY, who is personally known to me or who presented Driver License as identification, and who appeared before me at the time of notarization.

NOTARY PUBLIC, State of Florida

SIGN: 

PRINT: Deborah J. Kelber



IN THE CIRCUIT COURT FOR PINELLAS COUNTY, FLORIDA  
CIVIL DIVISION  
Case No. 07-010052CI-11  
UCN: 522007CA010052XXCICI

BAYOU BONITA LAND TRUST NO. 1  
dated February 7, 2007, by and through its Trustees,  
TERRY CLARKE, IRA RHODES AND BARTOL  
BARBALICH

Plaintiff,

vs.

CITY OF ST. PETERSBURG, a Florida municipal  
corporation, NGUYET LAUBENGEYER,  
a single woman, et al.

Defendants.

---

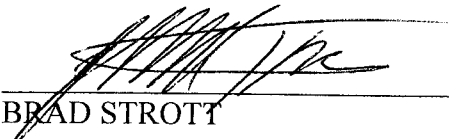
**AFFIDAVIT OF BRAD STROTT**

STATE OF FLORIDA  
COUNTY OF PINELLAS

BEFORE ME, personally appeared BRAD STROTT, who after being duly sworn  
deposes and states as follows:

1. For the past 18 years, I have been the Foreman for the seawall, bridge and  
maintenance repair division of the Stormwater, Pavement and Traffic Operations Department for  
the City of St. Petersburg and have personal knowledge of all matters set forth herein.
2. It has been the responsibility of my division to regularly maintain and repair the  
right of way and parkland areas abutting the seawall in the area of 39<sup>th</sup> Avenue South to 46<sup>th</sup>  
Avenue South, including, but not limited to backfilling holes and any other repairs or  
maintenance directly to the seawall as needed. Said area is depicted on Exhibit "A".

AND FURTHER AFFIANT SAYETH NAUGHT.

  
\_\_\_\_\_  
BRAD STROTT

The foregoing was subscribed and sworn to before me the 4<sup>th</sup> day of December,  
2008, by BRAD STROTT, who is personally known to me or who presented  
FLORIDA DRIVER'S LICENSE as identification, and who appeared before me at the time of  
notarization.



NOTARY PUBLIC, State of Florida

SIGN: Beverly G. Isaacs

PRINT: Beverly G. Isaacs

IN THE CIRCUIT COURT FOR PINELLAS COUNTY, FLORIDA  
CIVIL DIVISION

Case No. 07-010052CI-11  
UCN: 522007CA010052XXCICI

BAYOU BONITA LAND TRUST NO. 1  
dated February 7, 2007, by and through its Trustees,  
TERRY CLARKE, IRA RHODES AND BARTOL  
BARBALICH

Plaintiff,

vs.

CITY OF ST. PETERSBURG, a Florida municipal  
corporation, NGUYET LAUBENGEYER,  
a single woman, et al.

Defendants.

---

**AFFIDAVIT OF JERRY FORTNEY**

STATE OF FLORIDA  
COUNTY OF PINELLAS

BEFORE ME, personally appeared JERRY FORTNEY, who after being duly sworn  
deposes and states as follows:

1. I am over the age of 18 years old and have personal knowledge of all matters set forth herein.
2. From 1989 through 1994 I was the Stormwater Construction Foreman for the General Maintenance Department for the City of St. Petersburg.
3. During that period of time, I oversaw the regular repair and maintenance of the subject location's, (as depicted in Exhibit "A") right-of-way between the parkland and the seawall.

4. I am currently the Pavement, Signage and Striping Supervisor for the Stormwater, Pavement and Traffic Operations Department for the City of St. Petersburg.

5. My department's responsibilities include the maintenance of signage, repair and maintenance of sidewalks, curbing, asphalt and striping.

6. To the best of my information and belief, the City of St. Petersburg has regularly repaired and maintained the subject location that is depicted in Exhibit "A", for approximately 20 years.

AND FURTHER AFFIANT SAYETH NAUGHT.

  
\_\_\_\_\_  
JERRY FORTNEY

The foregoing was subscribed and sworn to before me the 10<sup>th</sup> day of December, 2008, by JERRY FORTNEY, who is personally known to me or who presented \_\_\_\_\_ as identification, and who appeared before me at the time of notarization.

NOTARY PUBLIC, State of Florida

SIGN: 

PRINT: Beverly G. Isaac



**Beverly G. Isaacs**  
Commission # DD499806  
Expires December 15, 2009  
Bonded Tray Pain Insurance, Inc. 800-385-7019

IN THE CIRCUIT COURT FOR PINELLAS COUNTY, FLORIDA  
CIVIL DIVISION

Case No. 07-010052CI-11  
UCN: 522007CA010052XXCICI

BAYOU BONITA LAND TRUST NO. 1  
dated February 7, 2007, by and through its Trustees,  
TERRY CLARKE, IRA RHODES AND BARTOL  
BARBALICH

Plaintiff,

vs.

CITY OF ST. PETERSBURG, a Florida municipal  
corporation, NGUYET LAUBENGEYER,  
a single woman, et al.

Defendants.

---

**AFFIDAVIT OF STEVE ELLIS**


STATE OF FLORIDA  
COUNTY OF PINELLAS

BEFORE ME, personally appeared STEVE ELLIS, who after being duly sworn deposes  
and states as follows:

1. I am over the age of 18 and have personal knowledge of all matters set forth  
herein.
2. I have been an Operations Foreman for the Parks Department of the City of St.  
Petersburg from 1987 to present.
3. From 1991 to 2005 my responsibilities included the regular maintenance and  
repair of the subject location which is depicted in Exhibit "A". These duties included, but were  
not limited to the maintenance and repair of irrigation systems, handicap access, mowing and

edging the parkland area and right-of-ways, including the walkways, landscaping and installation of signage.

AND FURTHER AFFIANT SAYETH NAUGHT.

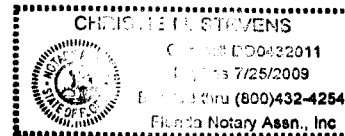
  
\_\_\_\_\_  
STEVE ELLIS

The foregoing was subscribed and sworn to before me the 9 day of December 2008, by STEVE ELLIS, who is personally known to me or who presented \_\_\_\_\_ as identification, and who appeared before me at the time of notarization.

NOTARY PUBLIC, State of Florida

SIGN: Christie M. Stevens

PRINT: Christie M. Stevens



IN THE CIRCUIT COURT FOR PINELLAS COUNTY, FLORIDA  
CIVIL DIVISION  
Case No. 07-010052CI-11  
UCN: 522007CA010052XXCICI

BAYOU BONITA LAND TRUST NO. 1  
dated February 7, 2007, by and through its Trustees,  
TERRY CLARKE, IRA RHODES AND BARTOL  
BARBALICH

Plaintiff,

vs.

CITY OF ST. PETERSBURG, a Florida municipal  
corporation, NGUYET LAUBENGEYER,  
a single woman, et al.

Defendants.

---

**AFFIDAVIT OF SCOTT LUNAY**

STATE OF FLORIDA  
COUNTY OF PINELLAS

BEFORE ME, personally appeared SCOTT LUNAY, who after being duly sworn  
deposes and states as follows:

1. I am over the age of 18 and have personal knowledge of all matters set forth herein.
2. I have been an Operations Foreman for the Parks Department of the City of St. Petersburg from 1991 to present.
3. From January 1, 2006 to present my responsibilities included the regular maintenance and repair of the subject location which is depicted in Exhibit "A". These duties included, but were not limited to the maintenance and repair of irrigation systems, handicap

access, mowing and edging the parkland area and right-of-ways, including the walkways, landscaping and installation of signage.

AND FURTHER AFFIANT SAYETH NAUGHT.

Scott Lunay  
SCOTT LUNAY

The foregoing was subscribed and sworn to before me the 9th day of December, 2008, by SCOTT LUNAY, who is personally known to me or who presented \_\_\_\_\_ as identification, and who appeared before me at the time of notarization.



JONELL WILLIAMS  
MY COMMISSION # DD 540137  
EXPIRES: August 13, 2010  
Bonded Thru Budget Notary Services

NOTARY PUBLIC, State of Florida,

SIGN: Jonell Williams

PRINT: JONELL WILLIAMS

IN THE CIRCUIT COURT FOR PINELLAS COUNTY, FLORIDA  
CIVIL DIVISION  
Case No. 07-010052CI-11  
UCN: 522007CA010052XXCICI

BAYOU BONITA LAND TRUST NO. 1  
dated February 7, 2007, by and through its Trustees,  
TERRY CLARKE, IRA RHODES AND BARTOL  
BARBALICH

Plaintiff,

vs.

CITY OF ST. PETERSBURG, a Florida municipal  
corporation, NGUYET LAUBENGEYER,  
a single woman, et al.

Defendants.

---

**AFFIDAVIT THOMAS GIBSON**

STATE OF FLORIDA  
COUNTY OF PINELLAS

BEFORE ME, personally appeared THOMAS GIBSON, who after being duly sworn  
deposes and states as follows:

1. I am Engineering Director of the Engineering and Capital Improvements  
Department for the City of St. Petersburg and am familiar with all matters set forth herein.
2. In 2002, the City of St. Petersburg resurfaced Sunrise Drive South from 39<sup>th</sup>  
Avenue South to 46<sup>th</sup> Avenue South. Said area encompasses the subject location which is  
depicted on Exhibit "A".

AND FURTHER AFFIANT SAYETH NAUGHT.

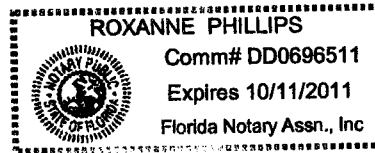
  
\_\_\_\_\_  
THOMAS GIBSON

The foregoing was subscribed and sworn to before me the 16<sup>th</sup> day of December, 2008, by THOMAS GIBSON, who is personally known to me or who presented \_\_\_\_\_ as identification, and who appeared before me at the time of notarization.

NOTARY PUBLIC, State of Florida

SIGN: Roxanne Phillips

PRINT: Roxanne Phillips



IN THE CIRCUIT COURT FOR PINELLAS COUNTY, FLORIDA  
CIVIL DIVISION  
Case No. 07-010052CI-11  
UCN: 522007CA010052XXCICI

BAYOU BONITA LAND TRUST NO. 1  
dated February 7, 2007, by and through its Trustees,  
TERRY CLARKE, IRA RHODES AND BARTOL  
BARBALICH

Plaintiff,

vs.

CITY OF ST. PETERSBURG, a Florida municipal  
corporation, NGUYET LAUBENGEYER,  
a single woman, et al.

Defendants.

---

**AFFIDAVIT OF DAVID REED**

STATE OF FLORIDA  
COUNTY OF PINELLAS

BEFORE ME, personally appeared DAVID REED, who after being duly sworn deposes  
and states as follows:

1. I am the Capitol Projects Coordinator for the Internal Services Department for the City of St. Petersburg and have worked in this department for approximately 9 years and are familiar with all matters set forth herein.
2. As the Capitol Projects Coordinator, my duties include, but are not limited to the installation of pedestrian and roadway lighting throughout the City of St. Petersburg.
3. As it relates to the subject location, as depicted in Exhibit "A", approximately three to four years ago, the City of Petersburg installed 3 decorative acorn street lights on the east

side of Sunrise Drive South between 39<sup>th</sup> Avenue and 45<sup>th</sup> Avenue South.

4. To the best of my information and belief, the Internal Services Department has regularly maintained and repaired and been responsible for service and installation of these acorn street lights at the subject location for over 3 years.

AND FURTHER AFFIANT SAYETH NAUGHT.

*David Reed*  
\_\_\_\_\_  
DAVID REED

The foregoing was subscribed and sworn to before me the 22nd day of December 2008, by DAVID REED, who is personally known to me or who presented N/A as identification, and who appeared before me at the time of notarization.

NOTARY PUBLIC, State of Florida

SIGN: *Betty D. Ankerberg*

PRINT: BETTY D. ANKERBERG



Betty D. Ankerberg  
Commission # DD450878  
Expires September 16, 2009  
Bonded Troy Fair - Insurance, Inc. 800-385-7019