

# CITY OF CLEARWATER

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CITY ATTORNEY'S OFFICE

July 31, 2015

Elizabeth J. Daniels  
Johnson, Pope, Bokor, Ruppel and Burns  
911 Chestnut Street  
Clearwater, Florida 33756

RE: Submerged Land Parcel – East of City of Clearwater Recreation Center

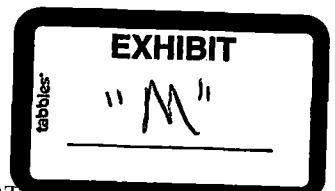
Dear Ms. Daniels:

This letter is in response to our discussion on July 24, 2015 and your follow-up email on the same date.

The Florida Department of Environmental Protection (FDEP) concludes in its July 13, 2015 letter to you (FDEP Letter), that certain lands were excepted from its grant to the Clearwater Island Bridge Company in the 1926 TIFF Deed No. 17451 (TIFF Deed 17451) ( FDEP Letter and map enclosed). As also indicated on the FDEP map, the Clearwater Island Bridge Company (CIBC) took title to all lands not excepted in Deed No. 17451. Subsequently, in 1934, CIBC quit-claimed to the City of Clearwater (City) certain uplands previously deeded to the City in 1917, ~~together with all lands lying and between the North and South lines of said tract extended Eastwardly to the Channel of Clearwater Harbor, together with all riparian rights.~~ The 1934 deeds are recorded at O.R. Book 706, Pages 385 and 386, and O.R. Book 706, Pages 387-390 (enclosed). Much later, in 1957, CIBC quit-claimed to North Bay Company (Mr. Blackwood's predecessor-in-interest) the same land conveyed in TIFF Deed 17451. When CIBC quit-claimed the land to North Bay, it no longer had the submerged ~~lands lying and between the North and South lines of the upland previously conveyed to the City (see lands described in Deed Book 57-195, enclosed) extended Eastwardly to the Channel of Clearwater Harbor, together with all riparian rights,~~ because it had already conveyed them to the City. Much, much later, in 2005 and 2006, the North Bay Company (through its Trustee) purported to convey the same lands conveyed in the TIFF Deed 17451 to your client, Bayesplanade.com, LLC. However, like CIBC in 1957, North Bay no longer had an interest in the submerged lands to the East of the City-owned uplands because the City already owned them.



"EQUAL EMPLOYMENT AND AFFIRMATIVE ACTION EMPLOYER"




Therefore, please cease and desist from advertising the subject City-owned lands for sale. Please cease and desist from making any and all other references and representations to or about such lands that might express or infer ownership in your client. And please cease and desist taking any other action that may damage or slander the City's title in said lands.

I agree that this matter should be put to rest once and for all. To put the matter to rest, I suggest that Mr. Blackwood execute a quit-claim deed in favor of the City for the disputed submerged lands, as the chain of title clearly indicates title has vested in the City.

Please be advised that as of the date of this communication, the City deems its review and analysis of these matters concluded. The City does not intend to initiate litigation at this time.

Govern yourself accordingly,



Laura Mahony, Esquire  
Assistant City Attorney  
City of Clearwater