



# CITY OF CLEARWATER

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DAVID ALLBRITTON  
COUNCILMEMBER  
SEAT 4

November 14th, 2025

Attorney General James Uthmeier  
State of Florida  
Office of Attorney General  
The Capitol  
Tallahassee, Florida 32399-1050

Dear Mr. Uthmeier,

I am a Council member in the City of Clearwater, seeking your legal opinion on the vacation of the Garden Avenue right-of-way. I have received your letter addressing potential religious discrimination concerns related to our decision-making process, along with opinion letters from our City Attorney, David Margolis, and the applicant's attorney, Robert Potter.

According to the City Attorney, the City holds fee simple title to the land beneath Garden Avenue, and a sale of the property is required by City ordinance. Conversely, Mr. Potter argues that the roadway is a platted right-of-way, not fee simple property owned by the city, and that the applicant has the right to petition for a vacation of that right-of-way without payment of fair market value.

Last March, I voted in favor of vacating the right-of-way on the initial reading of the applicant's request. However, I am now unsure how to proceed if the applicant reappplies for the vacation, as I want to avoid any discrimination or violation of Florida law.

Could you please advise whether the City owns the section of Garden Avenue in question, or if it is a platted right-of-way that the applicant can petition to vacate without paying fair market value?

Thank you very much for your consideration.

David Allbritton  
City Councilmember

