

ORDINANCE NO. 9907-26

AN ORDINANCE OF THE CITY OF CLEARWATER, FLORIDA, VACATING CITY RIGHT-OF-WAY MORE PARTICULARLY DESCRIBED AS THE SOUTHERN PORTION OF GARDEN AVENUE ABUTTING LOTS 6-11, TOGETHER WITH THAT PORTION OF THE ABUTTING VACATED 15 FOOT ALLEY LYING BETWEEN LOTS 10 AND 11 OF THE COURT SQUARE SUBDIVISION, AS RECORDED IN PLAT BOOK 5, PAGE 53 OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA; PROVIDING CONDITIONS; PROVIDING SEVERANCE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Church of Scientology Flag Service Organization Incorporated (the "Applicant") has submitted an application to vacate certain right-of-way interests, which are held by the City of Clearwater (the "City"); and

WHEREAS, the Applicant is proposing a development project as defined in planning case FLS2026-04022 (the "Development"), and the City Council finds that the public interest is served in facilitating this Development by vacating this right-of-way; and

WHEREAS, the City Council finds that, if the Development is constructed as proposed by the Applicant, then the City's interests in the right-of-way, as more particularly described herein and shown in Exhibit A, are no longer necessary for municipal use, and it is deemed to be in the best interest of the City, and the general public that the same be vacated and abandoned; and

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLEARWATER, FLORIDA:

Section 1. The portion of right-of-way is more particularly described in the attached sketch, which is incorporated herein as Exhibit A (the "Right-of-Way").

See Exhibit "A"

The Right-of-Way will be hereby vacated, closed, and abandoned, and the City of Clearwater hereby renounces, relinquishes, and disclaims all rights, title, and interest thereto upon the occurrence of the conditions in Section 2.

Section 2. This vacation will be subject to the occurrence of the following conditions precedent:

1. The Applicant shall obtain a Certificate of Occupancy for the primary structure of the Development within six (6) years of the execution of this Ordinance.
2. The Applicant shall execute and return to the City within thirty (30) calendar days of request, any new easements as necessary to accommodate new or existing public utilities as appropriate.
3. The Applicant will be responsible for the reasonable relocation of utilities within the Right-of-Way upon the request of and at no expense to the City.
4. The Applicant will comply with the requirements of City Code § 30.095(4).

Section 3. The City may continue full use of the Right-of-Way, including the collection of parking revenue, until such time as the City issues a right-of-way permit as needed for the construction of the Development. The City shall not issue or be required to issue the right-of-way permit until the City has issued building permits authorizing construction supporting the Development.

Section 4. The City Clerk shall record this Ordinance in the Public Records of Pinellas County, Florida, following adoption.

Section 5. This Ordinance shall be severable should any section, paragraph or provision hereof be declared by the courts to be unconstitutional or invalid, and such holdings shall not affect the remaining validity of this Ordinance as a whole or any part thereof.

Section 6. This Ordinance shall take effect immediately upon adoption and shall remain in effect unless the conditions described herein are not satisfied.

PASSED ON FIRST READING

PASSED ON SECOND AND FINAL
READING AND ADOPTED

Bruce Rector
Mayor

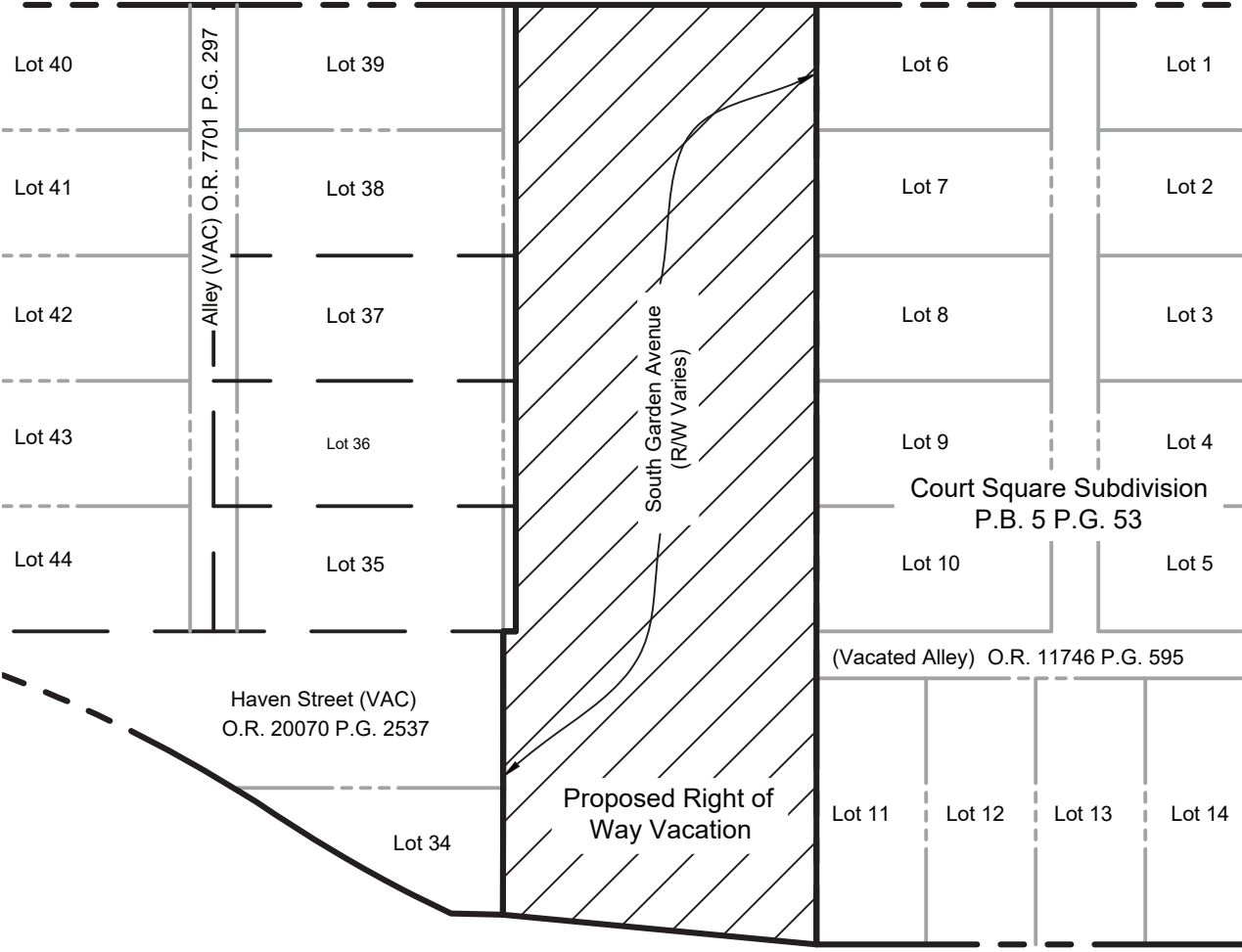
Approved as to form:

Attest:

Owen Kohler
Interim City Attorney

Rosemarie Call
City Clerk

Franklin Street
(60' R/W)



Haven Street (VAC)
O.R. 20070 P.G. 2537

Court Square Subdivision
P.B. 5 P.G. 53

(Vacated Alley) O.R. 11746 P.G. 595

Proposed Right of
Way Vacation

Court Street
(100' R/W)

Legal Description

Legal Description:

A proposed Right-of-Way Vacation more particularly described as follows:

All of the right-of-way of Garden Avenue abutting lots 6-11 together with that portion abutting the vacated 15 foot alley lying between lots 10 and 11 of Court Square Subdivision as recorded in Plat Book 5, Page 53 of the Public Records of Pinellas County. Containing 0.65 Acres ±

This is not a survey

CITY OF CLEARWATER DEPARTMENT OF PUBLIC WORKS - ENGINEERING		Exhibit A		DWG. NO.	SHEET	
				Lgl 2024-15	1	OF
DRAWN BY		CHECKED BY		SECT-TWNSP-RNG		DATE DRAWN
NF		TM		16 - 29S - 15E		11/27/2024