

ORDINANCE NO. 9203-18

AN ORDINANCE OF THE CITY OF CLEARWATER, FLORIDA, AMENDING ORDINANCE 3547-84, WHICH VACATED THE WEST FOUR FEET OF GARDEN AVENUE RIGHT-OF-WAY ABUTTING COURT SQUARE SUBDIVISION, PINELLAS COUNTY, FLORIDA, AS RECORDED IN OFFICIAL RECORDS BOOK 5760, PAGE 1207 OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA, TO CORRECT THE LEGAL DESCRIPTION; PROVIDING THAT THE ORDINANCE WAS INTENDED TO VACATE THE WEST FOUR FEET OF GARDEN AVENUE RIGHT-OF-WAY ABUTTING ONLY LOTS 35 THROUGH 39 OF COURT SQUARE SUBDIVISION, AS RECORDED IN PLAT BOOK 5, PAGE 53 OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA, AS MORE PARTICULARLY REFLECTED ON THE SKETCH DEPICTED AT OFFICIAL RECORDS BOOK 5760, PAGE 1208; PROVIDING AN EFFECTIVE DATE.

WHEREAS, in 1984, it was requested by John W. Wilson, owner of certain real property in Court Square Subdivision, in the City of Clearwater, Florida, that the City of Clearwater, Florida, vacate a certain portion of right-of-way; and

WHEREAS, after proper public notice and public hearing thereon, the City Commission found that said portion of right-of-way was not necessary nor required for municipal use and it was deemed to be to the best interest and advantage of the City and the general public that the same be vacated by adoption of Ordinance 3547-84 on May 3, 1984 (attached hereto and incorporated herein as **Exhibit "A"**); and

WHEREAS, a recent review of title documentation involving the subject area revealed an inconsistency as between the legal description and the depiction by sketch; and

WHEREAS, the City Council of the City of Clearwater, Florida now wishes to clarify that the intent of Ordinance 3547-84 was to vacate the four feet abutting lots 35 through 39 only as depicted in the sketch at O.R. Book 5760, Page 1208, in the Public Records of Pinellas County, Florida, (attached hereto and incorporated herein as **Exhibit "B"**) and

that no portion of the Garden Avenue right-of-way south of the southerly boundary of Lot 35 was vacated by Ordinance 3547-84; now, therefore,

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

Section 1. That the following:

The West 4.0 feet of 100.0 feet right-of-way for Garden Avenue running from the north lot line of Lot 39 to the southerly lot line of Lot 35, abutting Court Square Subdivision, according to the map or plat thereof as recorded in Plat Book 5, Page 53 of the Public Records of Pinellas County, Florida (attached hereto and incorporated herein as **Exhibit "C"**),

be and the same is hereby vacated, closed and released, and the City of Clearwater hereby quit claims and releases all of its right, title and interest thereto, subject to any fee title interest which the City of Clearwater may hold, to the persons, firms or corporations entitled thereto by law.

Section 2. This ordinance amends and revises Ordinance 3547-84 to correct the legal description in Section 1, to reflect the intention to vacate only that portion of the four-foot right-of-way of Garden Avenue abutting Lots 35 through 39 as reflected in **Exhibit "B" and "C"**.

Section 3. Notice of the proposed enactment of this ordinance has been properly advertised in a newspaper of general circulation in accordance with Section 166.041, Florida Statutes.

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

Section 5. This ordinance shall take effect immediately upon adoption and will be effective, *nunc pro tunc* to May 3, 1984.

PASSED ON FIRST READING

PASSED ON SECOND AND FINAL
READING AND ADOPTED

George N. Cretekos
Mayor

Approved as to form:

Attest:

Laura Lipowski Mahony
Assistant City Attorney

Rosemarie Call
City Clerk