ORDINANCE NO. 9942-26

AN ORDINANCE OF THE CITY OF CLEARWATER, FLORIDA, REPEALING ORDINANCE NO. 9907-26, WHICH PROPOSED TO CONDITIONALLY VACATE 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 AN EFFECTIVE DATE.

WHEREAS, on April 17, 2026, the Church of Scientology Flag Service Organization Incorporated (the "Applicant") submitted an application to vacate certain right-of-way interests, which were held by the City of Clearwater (the "City");

WHEREAS, the Applicant proposed a development project as defined in planning case FLS2026-04022 (the "Development");

WHEREAS, on June 4 and 18, 2026, the City Council found that the public interest was served in facilitating this Development by vacating the right-of-way, as more particularly described in the attached sketch, which is incorporated herein as Exhibit A (the "Right-of-Way");

WHEREAS, the City Council found that if the Development was constructed as proposed by the Applicant, then the City's interest in the Right-of-Way was no longer necessary for municipal use, and deemed it to be in the best interest of the City, and the general public that the same be vacated and abandoned;

WHEREAS, the City agreed to conditionally vacate said Right-of-Way as set forth in Ordinance 9907-26, which was passed on the first reading on June 4, 2026, and adopted on the final reading on June 18, 2026;

WHEREAS, Article VI of the City Charter sets forth the process for voters of the City to propose or repeal ordinances to City Council through initiative or referendum petitions. Pursuant to Section 6.04, Article VI of the Charter, any five voters may commence referendum proceedings by filing with the City Clerk an affidavit and citing the ordinance sought to be reconsidered. Section 6.05, Article VI of the Charter requires that the referendum petition must be signed by voters of the City equal in number to at least 10% of the total number of voters registered to vote in the last regular city election; that all papers of a petition must be in uniform size and style; and that each paper of a petition shall have attached to it an affidavit of the circulator. In the last regular City election, there were 70,675 registered voters. For a referendum petition to be sufficient, the petition would need to be signed by at least 7,067 Clearwater voters;

WHEREAS, on June 23, 2026, a Petitioner's Committee submitted Referendum

Petition (26-01) pursuant to the Clearwater Charter, seeking to have the City Council reconsider Ordinance 9907-26;

WHEREAS, on September 16, 2026, a Petitioner's Committee submitted petitions signed by approximately 10,812 individuals;

WHEREAS, on September 17, 2026, the City Council designated and directed the Pinellas County Supervisor of Elections to verify the petition signatures;

WHEREAS, on October 9, 2026, the Pinellas Supervisor of Elections provided the results of said verification. Based upon the results, Referendum Petition 26-01 contained 7,577 valid signatures and 3,235 invalid signatures;

WHEREAS, on October 13, 2026, Deputy City Clerk issued a Certificate deeming Referendum Petition (26-01) sufficient due to being signed by at least 7,067 Clearwater voters;

WHEREAS, in accordance with the City Charter, Section 6.08, the City Council has reconsidered Ordinance 9907-26 by voting its repeal.

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

Section 1: Ordinance 9907-26 is hereby repealed and of no force and effect.

Section 2: The following:

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

Is not now nor has ever been vacated in accordance with Ordinance 9907-26, and the City of Clearwater retains all of its rights and interest thereto.

Section 3: The City Clerk shall record this ordinance in the Public Records of Pinellas Couty, Florida, following adoption.

Section 4: This ordinance shall take effect immediately upon adoption.

PASSED ON FIRST READING _____

PASSED ON SECOND AND FINAL READING AND ADOPTED _____

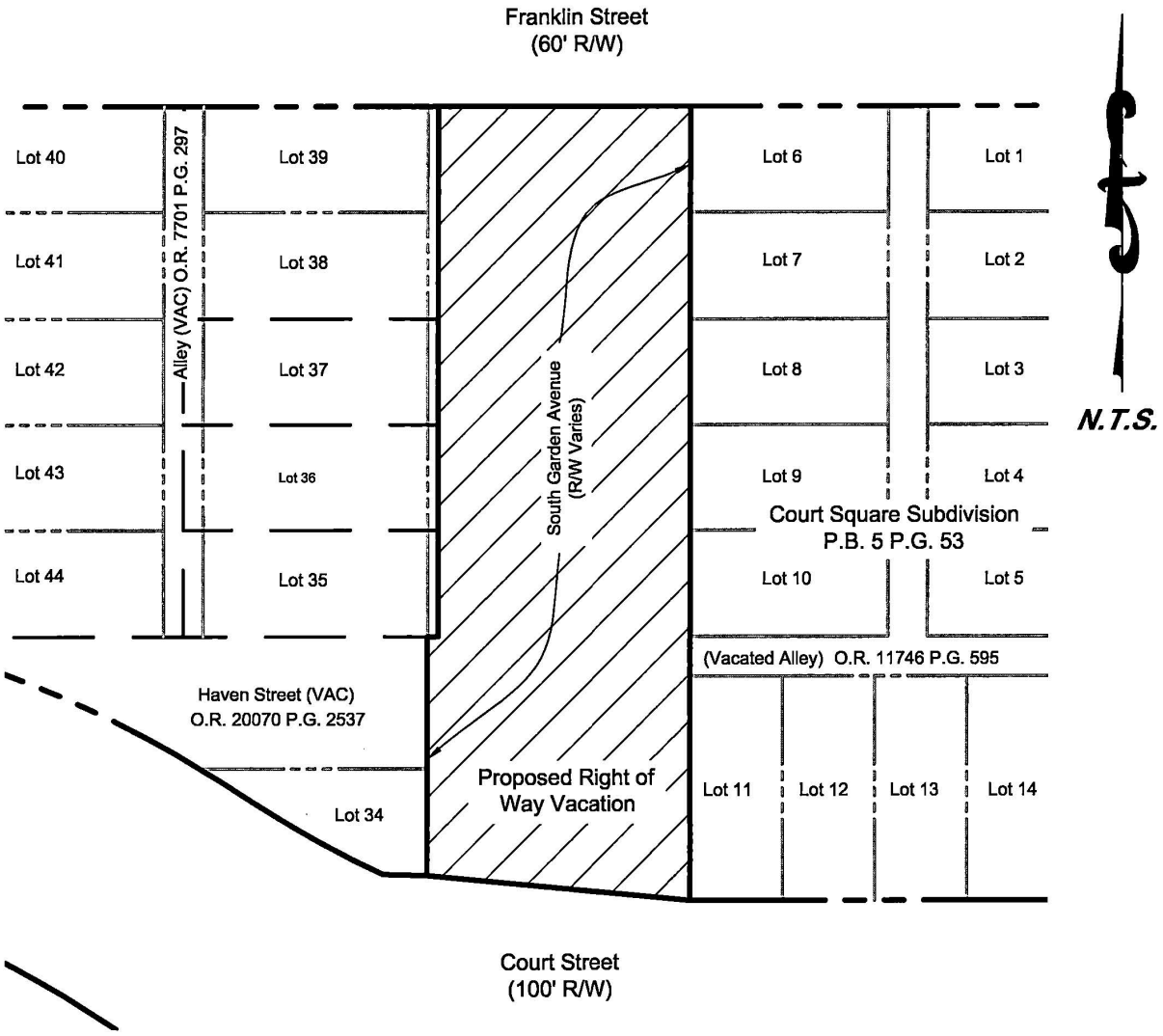
_____
Bruce Rector
Mayor

Approved as to form:

_____
Owen Kohler
City Attorney

Attest:

_____
Rosemarie Call
City Clerk



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. Lgl_2024-15 / SHEET 1 OF 1
DRAWN BY: NF	CHECKED BY: TM		SECT-TWNSP-RNG: 16 - 29S - 15E
			DATE DRAWN: 11/27/2024