

RESOLUTION NO. 2002-08

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA RELATING TO CONTROL OF MOTORIZED WATERCRAFT AND SWIMMING ON LAKE BELL; REQUESTING ORANGE COUNTY TO FOLLOW THE CITY OF WINTER PARK'S REQUESTS ON SUCH MATTERS; PROVIDING AN EFFECTIVE DATE.

WHEREAS, by a Quit-Claim Deed dated April 7, 1997, The School Board of Orange County, Florida conveyed an interest in real property, subject to various restrictions, to the Town of Eatonville; and

WHEREAS, that real property (the "Property") is more particularly described on Exhibit "A" attached hereto; and

WHEREAS, the Quit-Claim Deed provides, among other provisions, that "neither the Property conveyed hereby, nor any improvements located or to be located thereon may be used for purposes of access to Lake Bell (located adjacent to the Property) for motorized watercraft or for swimmers without the prior approval of the Board of County Commissioners of Orange County, Florida;" and

WHEREAS, at the time of the Quit-Claim Deed, the large majority of the shoreline of Lake Bell was located in unincorporated Orange County, Florida; and

WHEREAS, it is clear from the language of the Quit-Claim Deed that the intent of the transfer was to allow the governmental entity which contained the majority of the shoreline of Lake Bell to approve, or to disapprove, of motorized watercraft traffic and of swimming use of the lake; and

WHEREAS, in [2003] all properties previously bordering Lake Bell which were in unincorporated Orange County, Florida were annexed into the City of Winter Park, together with the large majority of the lake itself; and

WHEREAS, the City of Winter Park is now responsible for various aspects of maintenance, law enforcement, and other matters involving Lake Bell, and should accordingly be entitled to control motorized watercraft traffic and swimming use of the lake; and

WHEREAS, the City of Winter Park cannot effectively carry out its duties and responsibilities with respect to Lake Bell without being able to regulate the introduction of motorized watercraft and swimmers into the lake;

THEREFORE, BE IT RESOLVED THAT:

Section 1. The City Commission of the City of Winter Park, Florida, does hereby request that the Board of County Commissioners of Orange County, Florida ("Orange County"), adopt a resolution, or, if it so chooses, agree to enter into an Interlocal Agreement, which resolves, declares, and agrees that those rights granted to Orange County by The School Board of Orange County, Florida by Quit-Claim Deed dated April 7, 1997 with respect to the Property, namely that "neither the Property conveyed hereby, nor any improvements located or to be located thereon may be used for purposes of access to Lake Bell (located adjacent to the Property) for motorized watercraft or for swimmers without the prior approval of the Board of County Commissioners of Orange County, Florida," shall be exercised only after consultation with the City of Winter Park, and that Orange County resolves, declares, and agrees that it shall not grant prior approval of use of the Property for access to Lake Bell for motorized watercraft or for swimmers without the approval of the City Commission of the City of Winter Park, Florida, which approval shall be given only in the form of an adopted resolution.

Section 2. This Resolution shall take effect immediately upon its passage and adoption, and a copy of this Resolution shall be conveyed, upon passage and adoption, to the Board of County Commissioners of Orange County, Florida.

ADOPTED at a regular meeting of the City Commission of the City of Winter Park, Florida held in City Hall, Winter Park, Florida this 23rd day of June, 2008.



David C. Strong, Mayor

Attest:



Cynthia S. Bonham, City Clerk