

ORDINANCE NO. 2633-05

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA RELATING TO THE CONVEYANCE OF REAL PROPERTY; AUTHORIZING THE CONVEYANCE OF A PORTION OF LOT 6, BLOCK B, DR. TROVILLION'S REPLAT OF LOTS 18 AND 19, TROVILLION'S SUBDIVISION IN WINTER PARK, PLAT BOOK K, PAGE 101, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, IN EXCHANGE FOR REMOVAL OF ALL ABOVE-GROUND UTILITIES AND REPLACEMENT OF SAME WITH UNDERGROUND UTILITIES ON MORSE BOULEVARD, CENTER STREET AND TREAT WAY, ALL MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING AN EFFECTIVE DATE.

WHEREAS, The Landmark Winter Park, LLC ("Landmark") plans to construct a condominium and underground parking garage at 140 East Morse Boulevard, Winter Park, Florida ("Landmark Property"); and

WHEREAS, Landmark has completed the design work and submitted plans and specifications to the City of Winter Park ("City") for approval; and

WHEREAS, the City is the owner of that certain real property consisting of approximately seventy-one (71) square feet, generally described as a portion of Lot 6, Block B, Dr. Trovillion's Replat of Lots 18 and 19, Trovillion's Subdivision in Winter Park, Plat Book K, Page 101, Public Records of Orange County, Florida, being more particularly described on Exhibit "A" attached hereto and incorporated herein by this reference (the "City Property"); and

WHEREAS, Landmark has learned that a portion of the underground parking garage as proposed will encroach upon the City Property; and

WHEREAS, the City is desirous of conveying the City Property in exchange for Landmark, at its sole cost and expense, removing all above-ground utilities on, above and adjacent to the Landmark Property and replacing same with underground utilities under Morse Boulevard, Center Street and Treat Way; and

WHEREAS, Section 2.11(b)(7) of the Charter of the City of Winter Park authorizes the City to convey lands of the City by ordinance.

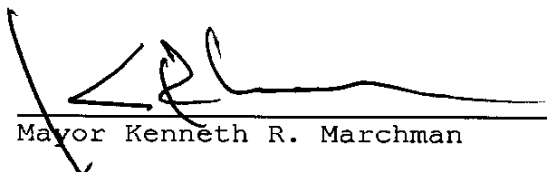
NOW THEREFORE, BE IT ENACTED by the people of the City of Winter Park, Florida as follows:

Section 1. The City Commission of the City of Winter Park hereby authorizes the transfer and conveyance of the lands described on Exhibit A (the City Property) to Landmark by municipal deed upon execution by City and Landmark of a Developer's Agreement providing, among other things, for the removal of all above-ground utilities on, above and adjacent to the Landmark Property and the replacement and relocation thereof with underground utilities under Morse Boulevard, Center Street and Treat Way, all at Landmark's sole cost and expense.

Section 2. This ordinance shall constitute the authorization by the city commission, pursuant to Section 2.11 of the Charter of the City of Winter Park, Florida for the transfer and conveyance of the City Property described on Exhibit A attached hereto and incorporated herein by reference.

Section 3. This ordinance shall become effective immediately upon its passage and adoption.

ADOPTED at a regular meeting of the City Commission of the City of Winter Park, Florida, held at City Hall, Winter Park, Florida, on the 27th day of June, 2005.



Mayor Kenneth R. Marchman

Attest: 

City Clerk Cynthia Bonham