

ORDINANCE NO. 2700-07

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA RELATING TO ABANDONMENT OF A RIGHT-OF-WAY; ABANDONING THAT PORTION OF VIA PALERMO ROAD EXTENDING APPROXIMATELY 282 FEET SOUTH FROM THE NORTH LINE OF LOT 1A OF SICILIAN SHORES, PLAT BOOK O, PAGE 34, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED HEREIN; RETAINING UTILITY RIGHTS; PROVIDING AN EFFECTIVE DATE.

WHEREAS, it appears that the northernmost portion of the platted right-of-way of Via Palermo Road is not now used and has not been used for public vehicular traffic for some years; and

WHEREAS, the property owners adjacent to the northernmost portion of the platted right-of-way of Via Palermo Road have properly and appropriately requested that the City of Winter Park vacate and abandon said right-of-way; and

WHEREAS, the City of Winter Park is concerned about the preservation of pedestrian and non-motorized bicycle access and passage upon the Via Palermo Road right-of-way; and

WHEREAS, the property owners who will directly benefit from the vacation and abandonment have agreed that said access to the Winter Park Racquet Club will be maintained in perpetuity through the transfer of a six-foot path in the middle of the existing Via Palermo Road right-of-way; and

WHEREAS, this commitment by the property owners to pedestrian and non-motorized bicycle access is necessary for the City of Winter Park to consider vacation and abandonment appropriate, and, further, such commitment has been represented by the affected parties to have been reduced to writing in a legally enforceable, recordable document;

NOW, THEREFORE, LET IT BE 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 vacates and abandons that portion of the right-of-way of Via Palermo Road extending approximately 282 feet South from the North line of Lot 1A of Sicilian Shores, Plat Book O, Page 34, Public Records of Orange County, Florida, more particularly described as follows:

See Exhibit "A" attached hereto and made a part hereof.

Reserving to the City of Winter Park, its successors and assigns, a utility easement over the entire portion of the

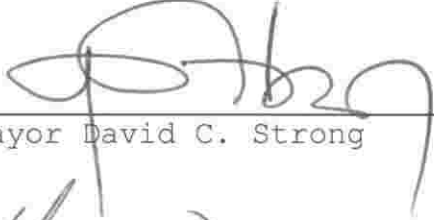
right-of-way of Via Palermo Road vacated by this ordinance, and a pedestrian and bicycle easement over the middle six (6) feet of said vacated right-of-way.

Section 2. That this vacation and abandonment is specifically conditioned upon the conveyance to the Winter Park Racquet Club of the middle six (6) feet of the right-of-way by the property owners to the East and West sides of the portion of the right-of-way of Via Palermo Road vacated by this ordinance, for purposes of pedestrian and bicycle passage; and, further, that the Winter Park Racquet Club shall not install a locked gate barring passage over the easement.

Section 3. All ordinances or portions of ordinances in conflict herewith are hereby repealed.

Section 4. This ordinance shall take effect 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 12th day of February, 2007.



Mayor David C. Strong

Attest: _____


City Clerk