

ORDINANCE NO. 2949-14

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA VACATING AND ABANDONING THAT CERTAIN ELECTRIC UTILITY EASEMENT AT 470 W. NEW ENGLAND AVENUE, WINTER PARK, FL, AS MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING FOR CONFLICTS, CORRECTION OF ANY SCRIVENER'S ERRORS AND AN EFFECTIVE DATE.

RECITALS AND LEGISLATIVE FINDINGS

WHEREAS, the City of Winter Park by custom will abandon an easement no longer needed for municipal purposes; and

WHEREAS, the City has determined that the subject easement hereinafter identified is no longer needed by the City of Winter Park.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, AS FOLLOWS:

Section 1. Recitals. The foregoing recitals are hereby adopted and confirmed, and constitute the legislative findings of the City Commission of the City of Winter Park acting in its legislative capacity.

Section 2. The City of Winter Park, Florida hereby vacates and abandons that certain utility easement located at 470 W. New England Ave., Winter Park, FL, more particularly described as follows:

- A. Distribution easement in favor of Florida Power Corporation d/b/a Progress Energy Florida, Inc. recorded in the Public Records of Orange County on June 13, 2005 in O.R. Book 8017, Page 1132. The City hereby acknowledges and certifies that it is the purchaser and successor of interest in certain utility infrastructure and distribution facilities previously owned in the City by Florida Power Corporation d/b/a Progress Energy Florida, Inc., including ownership of this easement.
- B. Attached as Exhibit "A" and incorporated by reference is that certain boundary survey prepared by HLSM, LLC, dated October 17, 2013, which more particularly shows the subject easement being abandoned and vacated hereby by the City of Winter Park.

Section 3. All Ordinances or portions thereof in conflict are hereby repealed.

Section 4. The parties intend that any error in legal description or in depiction of the easement rights being vacated and abandoned shall be corrected by subsequent curative document if the owner of the real property at such time agrees with the City that

there was an error in the survey or description provided said curative document does not provide the City any rights underneath any building on the property. A certified copy of this Ordinance may be recorded in the Public Records of Orange County, Florida. The cost of such corrective document and recording shall be the responsibility of the party who caused the error and need for such corrective document. In the event there are any existing service lines situated beneath the Southerly side of the building on the attached survey, the City hereby waives any rights to access said service lines through any portion of the existing physical building, and will not require removal of any portion of the existing building to access said service lines, and upon request of the property owner will remove said service lines permanently.

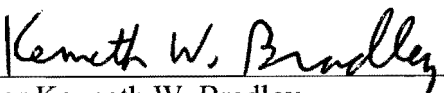
Section 5. Incorporation Into the Code. This Ordinance shall be deemed incorporated into the Winter Park City Code in an appropriate appendix, but will not be codified with a section number in the Municipal Code of Ordinances. Any section, paragraph number, letter and/or any heading herein may be changed or modified as necessary to correct scrivener's errors. Grammatical, typographical and similar or like errors may be corrected, and additions, alterations and omissions not affecting the construction or meaning of this Ordinance may be freely made.

Section 6. Severability. If any section, subsection, sentence, clause, phrase, word or provision of this Ordinance is for any reason held invalid, unlawful or unconstitutional by any court of competent jurisdiction, whether for substantive, procedural, facial or other reasons, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance.

Section 7. Conflicts. All ordinances or parts of ordinances in conflict with any of the provisions of this Ordinance are hereby repealed.


Section 8. Effective Date Of Ordinance. This Ordinance shall become effective immediately upon adoption by the City Commission of the City of Winter Park, Florida.

Adopted by the City Commission of the City of Winter Park, Florida in a regular meeting assembled on the 27th day of January, 2014.



Mayor Kenneth W. Bradley

ATTEST:

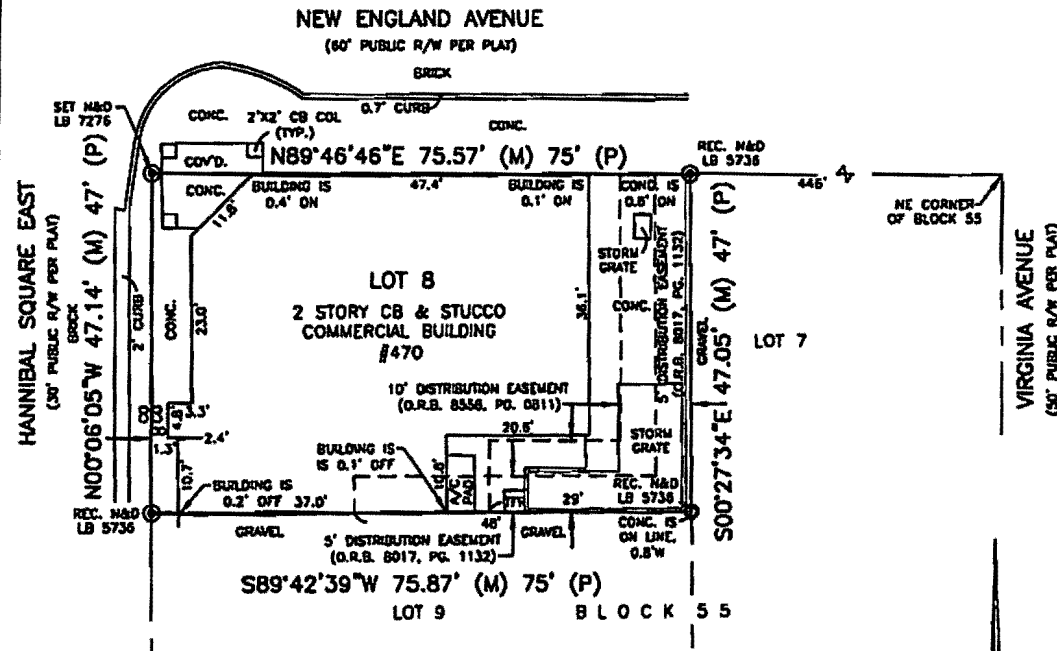


Cynthia S. Bonham, City Clerk

BOUNDARY SURVEY FOR WINTER PARK LAND CO.

DESCRIPTION:

LOT 8 IN BLOCK 55, TOWN OF WINTER PARK, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK A, PAGES 67 THROUGH 72, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.



- LEGEND**
- A/C AIR CONDITIONER
 - CB CONCRETE BLOCK
 - CO CLEANOUT
 - COL COLUMN
 - CONC. CONCRETE
 - COVD. COVERED
 - LB LICENSED BUSINESS
 - M MEASURED
 - N&D NAIL AND DISK
 - O.R.B. OFFICIAL RECORDS BOOK
 - P PER PLAT
 - PG. PAGE
 - R/W RIGHT-OF-WAY
 - REC. RECOVERED
 - TFR TRANSFORMER
 - TYP. TYPICAL

CERTIFIED TO:
MICHAEL AND GAIL WINN
MANZO & ASSOCIATES, P.A.
CHICAGO TITLE INSURANCE COMPANY

THAT THIS SURVEY WAS PERFORMED IN THE FIELD ON THE DATE(S) SHOWN HEREON

SURVEY REPORT:

1. The above described land lies within Section 5, Township 22 South, Range 30 East, Orange County, Florida.
2. This survey represents a survey made on the ground under the supervision of the signing surveyor, unless otherwise noted.
3. This survey does not reflect or determine ownership.
4. All easements of which the surveyor has knowledge of, or has had furnished to him, has been noted on the survey map.
5. Underground improvements or underground foundations have not been located except as noted on survey map.
6. According to the Federal Insurance Rate Map, this property lies in Zone(s) "X", Map number 12095C0255 F Dated: September 25, 2009.
7. Basis of Bearings: South Right of Way Line of New England Ave, N89°46'46"E (Assumed).
8. This surveyor has reviewed the title commitment issued by Chicago Title Insurance Company, Order No. 4559378, Effective Date: September 24, 2013.

SHEET 1 OF 1

HLSM LLC
Henrich-Luke-Swaggarty-Manard
Professional Surveyors & Mappers
165 Middle Street, Suite 1101
Lake Mary, Florida 32746
P. (407) 847-7346
P. (407) 847-8087
www.FloridaLandSurveyor.com
Licensed Business No. 7278

Rev.	Title Review	Date: 10/17/13
Job No:	E-9396	
Field Date:	9/17/13	
Drawn By:	ADA	
Field By:	JH/MS	
Scale:	1"=20'	

THIS SURVEY MAP AND REPORT OR THE COPIES THEREOF ARE NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

William F. Menard
Professional Surveyor & Mapper
Florida Registration #5625

