

ORDINANCE NO. 2965-14

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA VACATING AND ABANDONING A PORTION OF LOREN AVENUE WITHIN THE RAVAUDAGE PLANNED DEVELOPMENT AND HOME ACRES SUBDIVISION AREA, MORE PARTICULARLY DESCRIBED HEREIN, AND PROVIDING FOR REVERSION IF DEVELOPMENT OF THE VACATED ROAD IS NOT TIMELY PERMITTED AND CONSTRUCTED.

WHEREAS, the City Commission desires to foster the development of the Ravaudage Planned Development by vacating and abandoning certain platted streets within the Home Acres subdivision as platted in Plat Book "M", Page 97 of the Public Records of Orange County, Florida, so that an alternate street system can be developed to better serve the economic growth of this area, and

WHEREAS, this Ordinance meets the criteria established by Chapter 166, Florida Statutes and pursuant to and in compliance with law, notice has been given to abutting property owners and to the public by publication in a newspaper of general circulation to notify the public of this proposed Ordinance and of public hearings to be held.

WHEREAS, the city public works department has provided for participation by the public in the process by providing information as requested and has also rendered its recommendations to the City Commission; and

WHEREAS, the Winter Park City Commission has reviewed the proposed Ordinance and held advertised public hearings at which the City Commission has provided for public participation in the process in accordance with the requirements of state law.

NOW, THEREFORE, BE IT ENACTED 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 Loren Avenue lying approximately 235 feet south of the platted right-of-way of Kindel Avenue per the plat of Homes Acres, as recorded in Plat Book "M", Page 97, as more particularly described in Exhibit "A".

Section 2. This Ordinance is conditioned upon the receipt by the City of an easement to be recorded in the Public Records of Orange County for a private street to run from the terminus of the north end of Loren Avenue west to the right-of-way of Bennett Avenue, so as to eliminate the creation of a dead-end road.

Section 3. This Ordinance and all agreements and procedures relating to the vacation of a portion of Loren Avenue within the Ravaudage PD area are subject to the reversionary interest stated herein. Notwithstanding the vacation and abandonment of municipal right-of-way as provided in Sections 1 and 2 hereof, the subject right-of-way of Loren Avenue as set out in Sections 1 and 2 shall be null and void, and the City shall by reversion take title to the public right-of-way otherwise vacated and abandoned if development requiring the vacated roadway is not fully entitled and building permits issued on or before June 1, 2015. And, if permits for construction are timely issued on or before June 1, 2015, then the development requiring the

vacated roadway shall be fully constructed and a certificate of occupancy issued on or before June 1, 2017. Unless these deadlines are extended by action of the City Commission, the municipal right-of-way described in Sections 1 and 2 hereof shall by reversion, revert back into the ownership of the City of Winter Park to be used for any lawful purpose consistent with public right-of-way, including but not limited to usage as public roads.

Section 4. Assurance That Lots Currently Owned Or Controlled By The Developer Will Have Access Across The Existing Pavement On Loren Avenue, Even Following Vacation. Notwithstanding anything in this Ordinance to the contrary, all lots adjacent to or abutting the vacated portion of Loren Avenue, including but not limited to those lots currently owned or controlled by the Developer, Bubbalou's, Inc. or any affiliate thereof, or any successor of any of them in title, shall irrevocably grant to the public, an easement over the existing roadway of Loren Avenue so that all of said lots are accessible. This easement shall terminate only at such time that the owner of any such lot shall enter an agreement with another or develops the land for a purpose that will render access by the public to such lot unnecessary as determined in the sole and absolute discretion of the owner of such lot. In such event, the agreement showing that it is no longer necessary for the public to have access to such lot shall be recorded in the Public Records of Orange County.

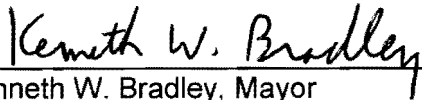
Section 5. Public Dedication. The Developer shall dedicate to the City of Winter Park the ownership of the land subject to the easement created in Section 2 hereof, as public right-of-way. Such dedication shall occur at the same time all other Developer/CDD constructed roads are dedicated in accordance with City standards, and acceptance by the City. Until such time the easement granted in Section 2 hereof shall remain in full force and effect.

Section 6. Incorporation of Easement Agreement. The Ordinance is subject to the Developer's compliance with each provision in the Public Access Easement and Maintenance Agreement, attached hereto and incorporated herein by reference as Exhibit "A" to this Ordinance, and made fully a part hereof.

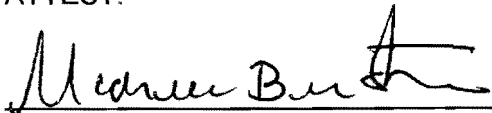
Section 7. All ordinances or portions of ordinances in conflict herewith are hereby repealed.

Section 8. This ordinance shall become effective upon the delivery to the City and recording in the Public Records of Orange County of an easement for the private access road, as detailed in section 2 of this Ordinance.

ADOPTED at a regular meeting of the City Commission of the City of Winter Park, Florida, on the 23rd day of June, 2014.


Kenneth W. Bradley, Mayor

ATTEST:


FOR Cynthia S. Bonham, MMC, City Clerk

**SKETCH OF DESCRIPTION
(THIS IS NOT A SURVEY)
A PORTION OF LOREN AVENUE**

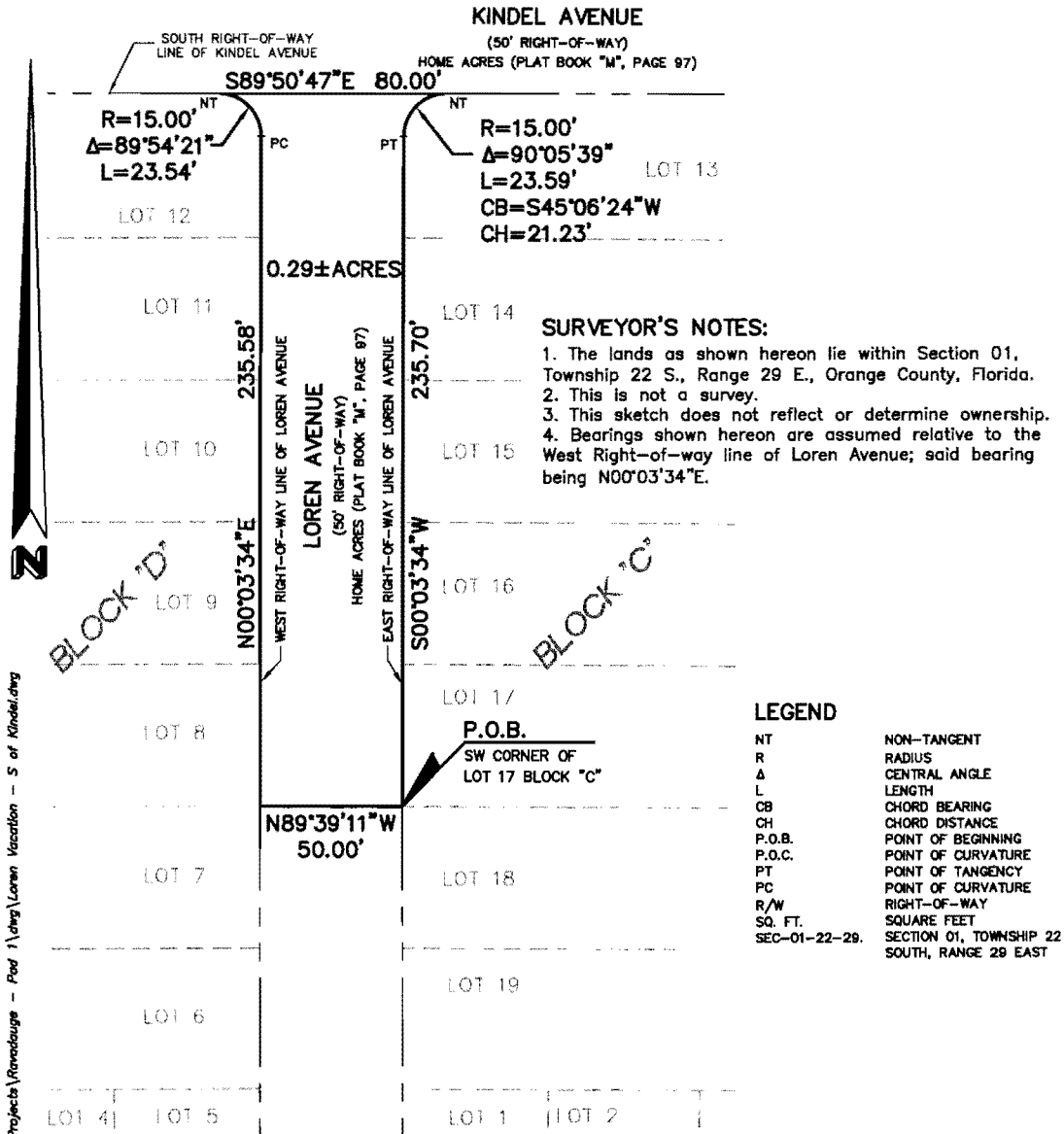
EXHIBIT "A"

LEGAL DESCRIPTION:

THAT PORTION OF LOREN AVENUE, A 50 FOOT RIGHT-OF-WAY, HOME ACRES, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK "M", PAGE 97, PUBLIC RECORDS OF ORANGE COUNTY FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHWEST CORNER OF LOT 17, BLOCK "C", HOME ACRES, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK "M", PAGE 97, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; THENCE N89°39'11"W, FOR A DISTANCE 50.00 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF LOREN AVENUE; THENCE N00°03'34"E ALONG SAID WEST RIGHT-OF-WAY, A DISTANCE OF 235.58 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE SOUTHWESTERLY, AND HAVING A RADIUS OF 15.00 FEET; THENCE NORTHWESTERLY ALONG SAID CURVE AND SAID WEST RIGHT-OF-WAY LINE THROUGH A CENTRAL ANGLE OF 89°54'21" AND AN ARC DISTANCE OF 23.54 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY OF KINDEL AVENUE, A 50 FOOT RIGHT-OF-WAY, PER SAID HOME ACRES, SAID POINT ALSO BEING A POINT ON A NON-TANGENT LINE; THENCE S89°50'47"E ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 80.00 FEET TO A POINT ON THE EAST RIGHT-OF-WAY OF THE AFOREMENTIONED LOREN AVENUE, SAID POINT ALSO BEING A POINT ON A NON-TANGENT CURVE CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 15.00 FEET, A CHORD BEARING OF S45°06'24"W AND A CHORD LENGTH OF 21.23; THENCE SOUTHWESTERLY ALONG SAID CURVE AND SAID EAST RIGHT-OF-WAY LINE THROUGH A CENTRAL ANGLE OF 90°05'39" AND AN ARC DISTANCE OF 23.59 FEET TO A POINT OF TANGENCY; THENCE S00°03'34"W ALONG SAID EAST RIGHT-OF-WAY LINE, FOR A DISTANCE OF 235.70 FEET TO THE POINT OF BEGINNING

CONTAINING 0.29 ACRES (12,629 SQUARE FEET), MORE OR LESS.



SURVEYOR'S NOTES:

1. The lands as shown hereon lie within Section 01, Township 22 S., Range 29 E., Orange County, Florida.
2. This is not a survey.
3. This sketch does not reflect or determine ownership.
4. Bearings shown hereon are assumed relative to the West Right-of-way line of Loren Avenue; said bearing being N00°03'34"E.

LEGEND

NT	NON-TANGENT
R	RADIUS
Δ	CENTRAL ANGLE
L	LENGTH
CB	CHORD BEARING
CH	CHORD DISTANCE
P.O.B.	POINT OF BEGINNING
P.O.C.	POINT OF CURVATURE
PT	POINT OF TANGENCY
PC	POINT OF CURVATURE
R/W	RIGHT-OF-WAY
SQ. FT.	SQUARE FEET
SEC-01-22-29.	SECTION 01, TOWNSHIP 22 SOUTH, RANGE 29 EAST

SHEET 1 OF 1

<p>HLSM LLC Henrich—Luke—Swaggerty—Menard Professional Surveyors & Mappers 185 Middle Street, Suite 1101 Lake Mary, Florida 32746 P. (407) 647-7346 F. (407) 647-8097 www.FloridaLandSurveyor.com Licensed Business No. 7276</p>	<p>Job No: <u>E-9553</u> Date: <u>12/20/13</u> Drawn By: <u>AMJ</u> Scale: <u>1"=50'</u></p>	<p>NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.</p>
	<p>William F. Menard Professional Surveyor & Mapper Florida Registration #5625</p>	