

ORDINANCE NO. 2980-14

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA VACATING AND ABANDONING THE PORTIONS OF GALLOWAY DRIVE AND FRIENDS AVENUE WITHIN THE PROPOSED WHOLE FOODS DEVELOPMENT PROJECT, MORE PARTICULARLY DESCRIBED HEREIN, AND PROVIDING FOR REVERSION IF THE WHOLE FOODS DEVELOPMENT PROJECT IS NOT TIMELY PERMITTED AND CONSTRUCTED.

WHEREAS, the City Commission desires to foster the development of the Whole Foods development project encompassing the properties at 1000 N. Orlando Avenue and 1160 Galloway Drive (former Corporate Square offices); 1050 N. Orlando Avenue (former Winter Park Dodge) and 967 Cherokee Avenue, 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 Galloway Drive also known as Elah Street, a 60 foot right of way, Havilah Park as recorded in Plat Book "O", Page 144 of the Public Records of Orange County, Florida, lying in section 1, township 22 south, range 29 east, being more particularly described as follows:

Beginning at the northwest corner of lot 1, block 4 of said Havilah Park run south 00°17'21" west along the existing east right of way line of Galloway Drive and the West line of said block 4 a distance of 411.01 feet; thence departing said existing East right of way line and said West line run south 89°57'04" west a distance of 60.00 feet to a point on the existing West right of way line of Galloway Drive and the east line of block 1 of said Havilah Park; thence run North 00°17'21" east along said existing West right of way line and said East line a distance of 410.33 feet to the northeast corner of lot 20 of said Block 1 and the existing South right of way

line of said Friends Avenue, a 50 foot right of way per said Havilah Park; thence departing said existing West right of way line and said East line run north 89°18'25" east along said existing South right of way line a distance of 60.00 feet to the point of beginning.

Section 2. The City Commission of the City of Winter Park hereby vacates and abandons that portion of the right-of-way of Friends Avenue lying to the East right-of-way of Orlando Avenue; south of Lots 1, 26-38, per the plat of Allandale Park as recorded in Plat Book "N", Page 7 and that portion north of Blocks 1 & 4 and north of Elah Street, per the plat of Havilah Park as recorded in Plat Book "Q", Page 144, Public Records of Orange County, Florida.

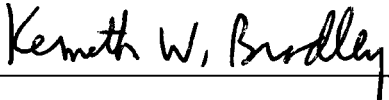
Section 3. This ordinance and all agreements and procedures relating to the development of the Whole Foods Development Project is subject to the reversionary interest stated herein. Notwithstanding the vacation and abandonment of municipal right-of-way as provided in Sections 1 and 2 hereof, the subject right-of-way of Galloway Drive and Friends 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, the Whole Foods Development Project 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 Whole Foods Development Project 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. That the City reserves and retains a utility easement over the entire area of these right-of-ways until such time as the utilities are relocated and the streets removed, or utility easements are provided to the City.

Section 5. All ordinances or portions of ordinances in conflict herewith are hereby repealed.

Section 6. Subject to the reversionary interest and the conditions for reversion set out in Section 3 hereof, this ordinance shall become effective upon its passage and adoption and shall be recorded in the Public Records of Orange County.

ADOPTED at a regular meeting of the City Commission of the City of Winter Park, Florida, on the 27th day of October, 2014.



Mayor Kenneth W. Bradley

ATTEST:



Cynthia S. Bonham, City Clerk