

Prepared by:

Jeff Briggs, Planning Director
City of Winter Park
401 Park Avenue South
Winter Park, FL 32789

Return to:

Winter Park City Clerk
401 S. Park Avenue
Winter Park, FL 32789

ORDINANCE NO. 2990-15

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, ANNEXING A PORTION OF THE RIGHT-OF-WAY OF HOWELL BRANCH ROAD GENERALLY BETWEEN 1620 HOWELL BRANCH ROAD AND THE CITY LIMITS; MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR THE AMENDMENT OF THE CITY OF WINTER PARK'S CHARTER, ARTICLE I, SECTION 1.02, CORPORATE BOUNDARIES TO PROVIDE FOR THE INCORPORATION OF THE REAL PROPERTY DESCRIBED HEREIN; PROVIDING FOR THE FILING OF THE REVISED CHARTER WITH THE DEPARTMENT OF STATE; PROVIDING FOR REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 171, Florida Statutes provides the exclusive method of municipal annexation, in order to insure sound urban development and efficient provision of urban services; and

WHEREAS, the City has determined that the area to be annexed is contiguous and reasonably compact, is developed for urban purposes, is not within the boundaries of another municipality, and has met all other requirements of Chapter 171, Florida Statutes, including but not limited to the prerequisites for annexation; and

WHEREAS, the City Commission hereby finds that the annexation of said property will not result in the creation of any enclaves, and it is further determined that the property otherwise fully complies with the requirements of State law; and

WHEREAS, pursuant to, and in compliance with the law, notice has been given by publication once a week for two consecutive weeks in a newspaper of general circulation notifying the public of this proposed Ordinance and of public hearings to be held at City Hall in the City of Winter Park; and

WHEREAS, the City Commission has determined that the annexation of the subject area has met all procedural requirements and that it will promote sound urban development and efficient provision of urban services; and

WHEREAS, the annexation is in compliance and consistent with the goals and objectives of the City of Winter Park Comprehensive Plan, Charter and Municipal Code; and

WHEREAS, in the best interest of the public health, safety, and welfare of the citizens of Winter Park, the City Commission of the City of Winter Park desires to annex the real property generally described below into the municipal boundaries of the City of Winter Park; and

WHEREAS, upon adoption of this Ordinance, the municipal boundaries lines of the City of Winter Park, shall, for purposes of Article I, Section 1.02 of the Municipal Charter, shall be redefined to include the subject real property.

NOW, THEREFORE, be it enacted by the City Commission of the City of Winter Park, Florida as follows:

Section 1. Annexation of Real Property. The real property described herein shall be, and is hereby annexed into the City of Winter Park, Florida. This real property is described in Exhibit "A" and illustrated in Exhibit "B". These Exhibits are incorporated herein by reference. The described real property shall be existing within the boundaries of the City of Winter Park, Florida and known to be existing within said boundaries from the effective date of this Ordinance.

Section 2. Incorporation of Recitals. The recitals to this Ordinance are hereby incorporated herein by reference and are fully effective as part of this Ordinance.

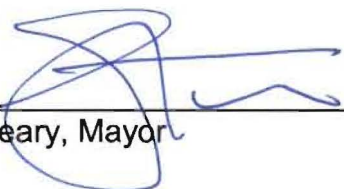
Section 3. City Boundaries Redefined; Winter Park Charter Amended. Pursuant to Section 166.031(3), Florida Statutes and Section 171.091, Florida Statutes, the City of Winter Park Charter, Article I, Section 1.02 is hereby amended to redefine the corporate boundaries of the City of Winter Park to include the real property described in Section 1 and Exhibits "A" and "B" of this Ordinance. The City Clerk shall file the revised Winter Park Charter, Article 1, Section 1.02 with the Department of State within seven days after the effective date of this Ordinance. Section 1.02 provides that the corporate boundaries of the City of Winter Park shall remain as they exist on the date the amended Charter took effect, and provides that the City has the power to change its boundaries in the manner prescribed by law. The amendment to the Charter will provide that after the effective date of the adoption of Section 1.02, the property subject to this Ordinance was annexed, and the legal description of the property will not be included in the Charter but the Ordinance number shall be included so that the public is on notice that a description of the corporate boundaries, including the property annexed hereby, is on file in the City Clerk's office.

Section 4. Repeal of Prior Inconsistent Ordinances and Resolutions. All Ordinances and Resolutions or parts of Ordinances and Resolutions in conflict herewith are hereby repealed to the extent of conflict.

Section 5. Severability. Should any section or provision of this Ordinance or any portion hereof, including any paragraph, sentence or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder hereto as a whole, and the invalid portion shall be severed from the remainder of this Ordinance and the remainder of this Ordinance shall be continue to be lawful, enforceable and valid.

Section 6. Effective Date. 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 at a regular meeting assembled on the 23rd day of March, 2015.



Steve Leary, Mayor

Attest: 

Cynthia S. Bonham, City Clerk

Exhibit A

HOWELL BRANCH ROAD ANNEXATION

LEGAL DESCRIPTION:

BEGIN at the Southwest corner of the Southeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 29, Township 21 South, Range 30 East, Orange County, Florida; thence run North $00^{\circ}39'12''$ West along the West line of said Southeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$, a distance of 50.00 feet, to the Southwest corner of Lot 14, Block "B", Howell Heights, according to the plat thereof, as recorded in Plat Book "X", Page 72, of the Public Records of Orange County, Florida, said point also being on the North right-of-way line of Howell Branch Road (as now established); thence departing said West line of the Southeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$, run South $89^{\circ}32'51''$ East along said North right-of-way line, of Howell Branch Road, a distance of 1284.14 feet, to the Southeast corner of Lot 5, Block "G", Dommerich Hills Fourth Addition, according to the plat thereof, as recorded in Plat Book 1, Page 2, of the Public Records of Orange County, Florida; thence departing said North right-of-way line, run South $00^{\circ}07'03''$ East along the East line, of the aforesaid Section 29, a distance of 50.01 feet, to the Southeast corner of said Section 29; thence South $00^{\circ}41'57''$ West along the East line of Section 32, Township 21 South, Range 30 East, Orange County, Florida, a distance of 39.00 feet, to a point 9.00 feet south of, when measured perpendicular to, the Northeast corner of Lot 1, Block "A", Temple Terrace, according to the plat thereof, as recorded in Plat Book "S", Page 5, of the Public Records of Orange County, Florida, said point also being on the South right-of-way line of Howell Branch Road (as now established); thence departing said East line of Section 32, run North $89^{\circ}50'34''$ West along said South right-of-way line of Howell Branch Road, a distance of 815.93 feet to the West line of the West 86.75 feet of the East 173.50 feet of the Northwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of said Section 32; thence South $01^{\circ}05'57''$ East along said West line and said South right-of-way line, a distance of 6.80 feet to the Northeast corner of Lot 42, Block "B", The Hills, according to the plat thereof, as recorded in Plat Book 1, Page 104, of the Public Records of Orange County, Florida; thence North $89^{\circ}32'51''$ West along said South right-of-way line, a distance of 468.36 feet, to the West line of the Northeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$, of said Section 32; thence departing said South right-of-way line, of the aforesaid Howell Branch Road, run North $01^{\circ}07'40''$ East along said West line, a distance of 50.00 feet, to the POINT OF BEGINNING.

Exhibit B

