

After Recording Return To:
City of Winter Park, City Clerk's Office
401 Park Avenue South
Winter Park, Florida 32789

ORDINANCE NO. 3041-16

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, PROVIDING FOR VACATION AND ABANDONMENT OF THAT PORTION OF THE NON-VACATED VIA PALERMO ROAD LYING NORTH OF VIA LOMBARDY AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR RESERVATION OF A UTILITY EASEMENT; AUTHORIZING EXECUTION OF EFFECTING DOCUMENTS; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City of Winter Park has authority to adopt this Ordinance by virtue of its home rule powers and Charter with respect to abandoning and vacating rights of way no longer needed for public purposes; and

WHEREAS, the City has determined that portion of the non-vacated Via Palermo right of way lying north of Via Lombardy is no longer needed by the City of Winter Park.

NOW, THEREFORE, BE IT ENACTED by the City of Winter Park, Florida as follows:

Section 1. The City Commission of the City of Winter Park, Florida, hereby finds and declares that the property described below is no longer necessary for a public right of way and said property is vacated and abandoned as a public right of way:

THAT PART OF VIA PALERMO, OF SICILIAN SHORES, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK "O", PAGE 34, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHEAST CORNER OF LOT 4, BLOCK "E" AND THE WEST RIGHT OF WAY LINE OF VIA PALERMO, OF SAID SICILIAN SHORES; THENCE RUN S.00°45'00"W. ALONG SAID WEST RIGHT OF WAY LINE 186.00 FEET TO THE SOUTHEAST CORNER OF LOT 7, OF SAID BLOCK "E"; THENCE DEPARTING SAID WEST RIGHT OF WAY LINE RUN N.79°29'21"E. A DISTANCE OF 50.98 FEET TO THE SOUTHWEST CORNER OF LOT 14, BLOCK "C", OF SAID SICILIAN SHORES; THENCE N.00°45'00"E. ALONG THE EAST RIGHT OF WAY LINE OF THE AFORESAID VIA PALERMO, A DISTANCE OF 188.70 FEET TO THE NORTHWEST CORNER OF LOT 12, OF SAID BLOCK "C"; THENCE DEPARTING SAID WEST RIGHT OF WAY LINE RUN N.89°15'00"W. A DISTANCE OF 25.00 FEET TO THE CENTER LINE OF SAID VIA PALERMO; THENCE S.00°45'00"W. ALONG SAID CENTER LINE 12.65 FEET; THENCE DEPARTING SAID CENTER LINE RUN N.89°15'00"W. 25.00 FEET TO THE POINT OF BEGINNING.

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. The City Manager is hereby authorized and directed to execute such instruments as may be necessary or required to abandon, vacate and close that portion of the Via Palermo right of way as well as other necessary instruments relating to the reservation of a utility easement and pedestrian and bicycle easement to be recorded in the public records of Orange County, Florida.

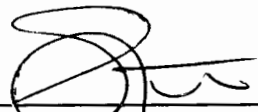
Section 3. That this vacation and abandonment is specifically conditioned upon the conveyance to the Winter Park Racquet Club of the middle six (6) feet of the right of way by the property owners to the east and west sides of the portion of the right of way of Via Palermo Road vacated by this ordinance, for purposes of pedestrian and bicycle passage; and, further, that the Winter Park Racquet Club shall not install a locked gate preventing use of the easement.

Section 4. In the event of any conflict between this Ordinance and any other ordinance or portions of ordinances, this Ordinance controls.

Section 5. The parties intend that any error in legal description or in depiction of the portion of the easement vacated and abandoned may be corrected by subsequent curative document if the parties agree that there was an error in the survey or description.

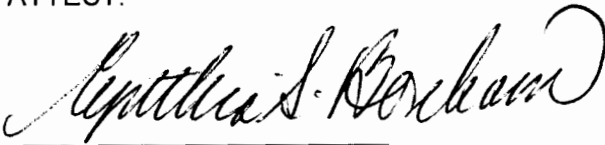
Section 6. This ordinance shall take effect immediately upon its passage and adoption.

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 27th day of June, 2016.



Mayor Steven Leary

ATTEST:



City Clerk Cynthia S. Bonham