

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

ORDINANCE NO. 3061-17

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, PROVIDING FOR THE APPROVAL OF THE PROJECT WELLNESS FINAL PLAT AND ACCEPTANCE OF THE DEDICATIONS THEREIN, INCLUDING THE RECONFIGURED PUBLIC RIGHTS-OF-WAY; PROVIDING FOR THE VACATION AND ABANDONMENT OF CERTAIN PORTIONS OF MIZELL AVENUE, SOUTH EDINBURGH DRIVE AND NORTH PERTH LANE AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR THE VACATION AND ABANDONMENT OF CERTAIN DISTRIBUTION AND UTILITY EASEMENTS; PROVIDING FOR THE RENAMING OF CERTAIN PUBLIC RIGHTS-OF-WAY; PROVIDING FOR CONFLICTS, SEVERABILITY, AN EFFECTIVE DATE AND RECORDING.

WHEREAS, the Winter Park Health Foundation, Inc. ("WPHF") is seeking the approval of a final plat for Project Wellness, an unexecuted copy of such plat is attached hereto as **Exhibit "A"** ("Final Plat"); and

WHEREAS, along with the Final Plat, WPHF is seeking the vacation and abandonment of certain public rights-of-way and City distribution and utility easements within the boundaries of Lot 1 and Tract A of the Final Plat; and

WHEREAS, the City of Winter Park has authority and jurisdiction for the review and approval of the subdivision and platting of lands within the corporate limits of the City; and

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

WHEREAS, the City has determined that a portion of Mizell Avenue and N. Perth Lane and certain distribution and utility easements within the boundaries of the Final Plat are no longer needed by the City of Winter Park, and that adequate rights-of-way will remain in place for public access and use based upon the approval and recording of the Project Wellness plat (the Final Plat) being approved herein; and

WHEREAS, the public hearing and notice requirements of Section 177.101, Florida Statutes in regards to vacating and abandoning portions of plats have been complied with; and

WHEREAS, public roads adjacent to the lot and tract created by the Final Plat are being reconfigured; and

WHEREAS, the City Commission has the authority to rename local roads within the jurisdiction of the City and desires to do so consistent with the terms of this Ordinance; and

WHEREAS, the City Commission finds that this Ordinance is in the best interest of the public safety, health and welfare.

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

Section 1. Final Plat Approval. The Project Wellness final plat, an unexecuted copy being attached hereto as **Exhibit “A”** (the “Final Plat”), is hereby approved by the City Commission and the Mayor and City Clerk are authorized to execute the same. The City accepts the conveyances and dedications to the City of Winter Park and the public depicted on and described within the Final Plat. Through the approval, execution and recording of the Final Plat, certain portions of publicly dedicated utility easements and rights-of-way (Mizell Avenue, S. Edinburgh Drive, N. Edinburgh Drive and N. Perth Lane) that were dedicated and created by Aloma Section 1, according to the plat thereof, recorded at Plat Book O, Page 51 of the Public Records of Orange County, Florida, are hereby being vacated and abandoned.

Section 2. Right-of-Way Vacation and Abandonment. The City Commission of the City of Winter Park, Florida, hereby finds and declares that those portions of the Mizell Avenue, South Edinburgh Drive and North Perth Lane rights-of-way described in the legal sketches and descriptions attached as **Exhibit “B”** and **Exhibit “C”** are no longer necessary for a public right of way and said lands are vacated and abandoned as a public right of way.

Section 3. Distribution and Utility Easement Vacation and Abandonment. The City Commission of the City of Winter Park, Florida, hereby finds and declares that those portions of the distribution easements and utility easements (including those at OR BK 4024, PG 164; OR BK 8045, PG 4770; OR BK 5716, PG 3891; OR BK 7741, BK 1730) granted to the City of Winter Park or its predecessor in interest, Florida Power Corporation, which encumber those certain lands described as Lot 1 and Tract A and those public rights-of-way dedicated on the Final Plat (Project Wellness plat to be recorded in the Public Records of Orange County, Florida) are no longer necessary and said easements are hereby vacated and abandoned. However, this ordinance does not vacate and abandon any easement dedicated by or shown or depicted on the Final Plat.

Section 4. Renaming of Roads. The City Commission hereby approves the renaming of a portion of Mizell Avenue lying south of the lands within boundaries of Final Plat up to the intersection of Perth Lane; such segment of Mizell Avenue is renamed “Crosby Way.” The City Commission hereby approves the renaming of North Perth Lane lying north of the lands within boundaries of Final Plat up to the intersection of Loch Lomond Drive; such segment of North Perth Lane is renamed “North Edinburgh Drive.” The public rights-of-way being dedicated by the Final Plat shall be named as shown on the Final Plat. Post-renaming of roads and recording of the Final Plat, the roads will be configured and named as depicted on **Exhibit “D”** attached hereto.

Section 5. Conflicts. In the event of any conflict between this Ordinance and any other ordinance or portions of ordinances, this Ordinance controls to the extent of the conflict.

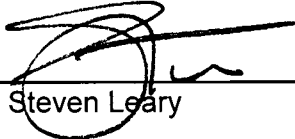
Section 6. Errors. If it is discovered that there is any error or omission in legal description or in depiction of the portion of the easements or rights-of-way vacated and abandoned by this ordinance, such error may be corrected by subsequent curative document to be executed and approved by the City of Winter Park City Manager.

Section 7. Severability. If any section, subsection, sentence, clause, phrase, word or provision of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, whether for substantive, procedural, or any other reason, 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 8. Effective. This ordinance shall take effect immediately upon its passage and adoption. The vacation and abandonment of the rights-of-ways and easements set forth herein shall be effective immediately upon the recording of the fully executed mylar of the Final Plat.

Section 9. Recording. This ordinance shall be recorded in the public records of Orange County, Florida.

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 23rd day of January, 2017.



Mayor Steven Leary

ATTEST:



Cynthia S. Bonham, City Clerk