

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

ORDINANCE NO. 3100-18

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, VACATING AND ABANDONING A CERTAIN PORTION OF THE PUBLIC RIGHT-OF-WAY KNOWN AS LAUREL ROAD AND PUBLIC UTILITY RIGHTS OVER CERTAIN PROPERTY LOCATED WITHIN THE CHARMONT SUBDIVISION, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR RESERVATION OF A PERPETUAL 20' PUBLIC UTILITY EASEMENT; PROVIDING FOR AUTHORIZATION AND DIRECTION TO CITY STAFF; PROVIDING FINDINGS BY THE CITY COMMISSION; PROVIDING FOR SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

WHEREAS, Applicant Douglas S. Metcalf (hereinafter "Applicant") owns certain property abutting upon and underlying that certain public right-of-way originally platted as "Virginia Road" in that certain plat for the Charmont subdivision recorded in the Orange County public records at Plat Book "L," Page 93 (hereinafter the "Charmont Plat"), which road was subsequently renamed "Laurel Road" by Winter Park City Commission Resolution 1261 on February 27, 1979 (hereinafter "Laurel Road 1"); and

WHEREAS, Laurel Road 1 abuts upon and intersects that certain public right-of-way platted as "Laurel Road" in the Charmont Plat (hereinafter "Laurel Road 2"); and

WHEREAS, on January 11, 1983, the City adopted Ordinance No. 1449, as recorded in the Orange County public records at O.R. 3466, Page 555, abandoning and vacating the eastern 120 feet of Laurel Road 1 and leaving an irregularly shaped strip of right-of-way, as more particularly described in **Exhibit "A"** (hereinafter the "Laurel Road 1 Remainder"); and

WHEREAS, in Ordinance No. 1449, the City retained a utility easement over the entire width of Laurel Road 1 in order to serve a lift station existing in the vicinity, which easement is more particularly described in the attached **Exhibit "B"** (hereinafter the "1983 Easement"); and

WHEREAS, in that certain Second Amended Order of Taking dated August 27, 1971 and recorded at O.R. 2210, Page 105, the City obtained certain easement rights and/or public right-of-way over a portion of Applicant's property more particularly described in the attached **Exhibit "C"** (the "1971 Easement/Right-of-Way"); and

WHEREAS, Applicant owns those certain parcels of land described in the attached **Exhibit "E"** (the "Properties") underlying the Laurel Road 1 Remainder, the 1983 Easement, and the 1971 Easement/Right-of-Way, and has requested that the City abandon and vacate the foregoing while retaining a 20' utility easement over the Properties as described in the attached **Exhibit "D"** (the "New Easement Area"); and

WHEREAS, the City finds that due to the relocation of the original lift station and infrastructure associated therewith, and other changes to the area since the subdivision was originally platted, there is no longer a public need for the City to retain the Laurel Road 1 Remainder, nor easement rights over the full width of Laurel Road 1 as provided in the 1983 Easement, and that it serves a public purpose to grant

Applicant's request for vacation and abandonment subject to the City's reservation of a 20' utility easement, all as provided in this Ordinance.

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

SECTION 1: Recitals. The above recitals are true and correct, constitute findings of the City Commission, and are incorporated herein as a material part of this Ordinance.

SECTION 2: Vacation and Abandonment. The City of Winter Park, Florida hereby abandons and vacates the Laurel Road 1 Remainder, the 1983 Easement, and the 1971 Easement/Right-of-Way, except that the City reserves a perpetual 20' public utility easement over, under, and through the New Easement Area for the construction, installation, repair, replacement, reconstruction, maintenance, control, operation, use, and modification of public and private utilities and facilities, including but not limited to stormwater drainage lines, sewer lines, water lines, reclaimed water lines, gas lines, electric lines, cable television lines, telecommunications lines, fiber optic cables and other utilities of every type, including the right of access upon and to and from said area to effectuate the purposes of said perpetual public utility easement, and which public utility easement is further described and depicted in the attached **Exhibit "D."**

SECTION 3: Authorization & Direction to City Staff. The City Manager and his or her designee(s) are hereby authorized and directed to execute such instruments and take such actions as may be necessary to effect this Ordinance, and to record any such instruments and this Ordinance in the Public Records of Orange County, Florida, as may be appropriate.

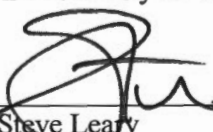
SECTION 4: Severability. If any section, subsection, sentence, clause, phrase, word or provision of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, whether for substantive, procedural, or any other reason, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance.

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

SECTION 6: Correction of Errors. Any error in the legal description or in depiction of any public right-of-way, easement, or property referenced in this Ordinance may be corrected by subsequent curative document(s) prepared, executed, and/or recorded by the City Manager and/or his or her designee, if any such error is determined to exist by the City Manager or City Commission.

SECTION 7: Effective Date. This ordinance shall take effect immediately upon its passage and adoption by the City Commission of Winter Park, Florida.

ADOPTED at a regular meeting of the City Commission of the City of Winter Park, Florida on this 22nd day of January, 2018.



Mayor Steve Leary

ATTEST:



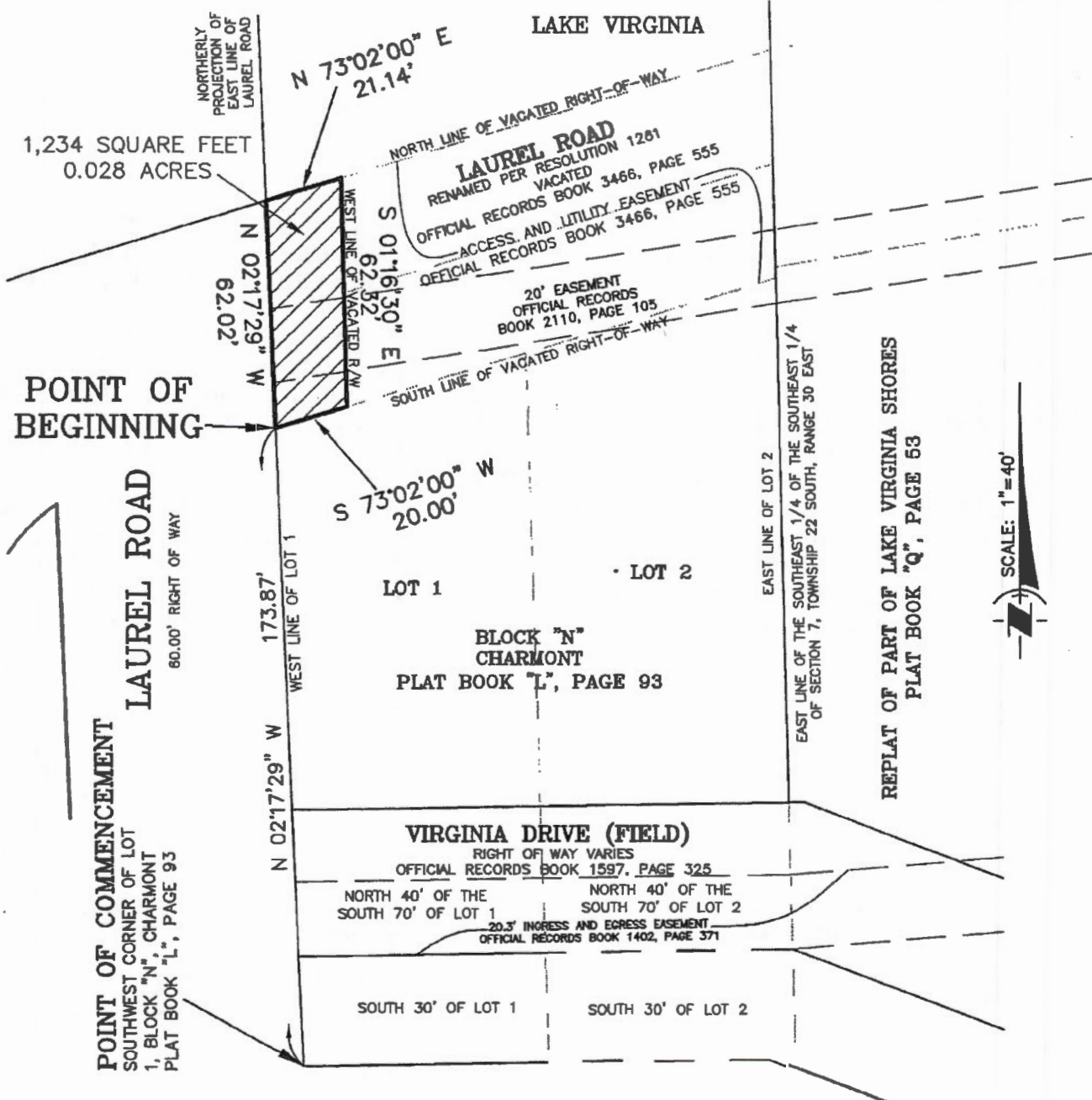
City Clerk Cynthia S. Bonham

SKETCH OF DESCRIPTION

— NOT A SURVEY —

EXHIBIT A: Highlighted Area –
Request to Vacate Right-of-Way
and to Vacate Easement

SHEET 2 OF 2



SURVEYOR'S NOTES

- 1.) BEARINGS SHOWN HEREON ARE ASSUMED RELATIVE TO THE WEST RIGHT OF WAY LINE OF LAUREL ROAD AS BEING N02°17'29"W
- 2.) SEE SHEET 1 FOR LEGAL DESCRIPTION

CENTRAL FLORIDA SURVEYS, INC., dba:

Tinklepaugh

SURVEYING SERVICES, INC.

5125 Adanson Street, Suite 800 • Orlando, Florida 32804

Tele. No. (407) 262-0957 LICENSED BUSINESS No. 3778

I/T17B64/DWG/T17B64.DWG

SX3695-17

**EXHIBIT A: Highlighted Area -
Request to Vacate Right-of-Way
and to Vacate Easement**

Sheet 1 of 2
See Sketch of Description

LEGAL DESCRIPTION

A TRACT OF LAND BEING A PORTION OF BLOCK "N", CHARMONT, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK "L", PAGE 93, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF LOT 1, OF THE AFORESAID PLAT; THENCE NORTH 02°17'29" WEST, ALONG THE WEST LINE OF SAID LOT 1, A DISTANCE OF 173.87 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 02°17'29" WEST, ALONG THE NORTHERLY PROJECTION OF THE WEST LINE OF SAID LOT 1 AND THE WEST LINE OF LAUREL ROAD A DISTANCE OF 62.02 FEET; THENCE NORTH 73°02'00" EAST, A DISTANCE OF 21.14 FEET; THENCE SOUTH 01°16'30" EAST, ALONG THE WEST LINE OF VACATED RIGHT-OF-WAY PER RESOLUTION 1261 AS RECORDED IN OFFICIAL RECORDS BOOK 3466, PAGE 555, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, A DISTANCE OF 62.32 FEET; THENCE SOUTH 73°02'00" WEST, A DISTANCE OF 20.00 FEET TO THE POINT OF BEGINNING.

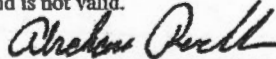
CONTAINING 1,234 SQUARE FEET, OR 0.028 ACRES, MORE OR LESS.

TSS Order #T17-B64-SOD2

Prepared by:

CENTRAL FLORIDA SURVEYS, INC. dba:
TINKLEPAUGH SURVEYING SERVICES, INC.
5125 ADANSON STREET, SUITE 800
ORLANDO, FLORIDA 32804
(407) 262-0957

This description and the accompanying sketch or sketches has been prepared in accordance with the Standards set forth in Chapter 5J-17, F.A.C., pursuant to Chapters 177 and 472, Florida Statutes. Unless it bears the signature and the original raised seal of a Florida licensed surveyor and mapper this drawing, sketch, plat or map is for informational purposes only and is not valid.



ABRAHAM I. REMCHUK, P.S.M. # 6813

Date: 10-31-17

**EXHIBIT B: Highlighted Area -
Request to Vacate Easement**

Sheet 1 of 2
See Sketch of Description

LEGAL DESCRIPTION

A PORTION OF THE VACATED RIGHT-OF-WAY AS DESCRIBED IN RESOLUTION #1261 AS RECORDED IN OFFICIAL RECORDS BOOK 3466, PAGE 555 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF LOT 1, BLOCK "N", CHARMONT, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK "L", PAGE 93, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; THENCE NORTH 02°17'29" WEST, ALONG THE WEST LINE OF SAID LOT 1, A DISTANCE OF 173.87 FEET; THENCE NORTH 73°02'00" EAST, ALONG THE NORTH LINE OF SAID LOT 1, A DISTANCE OF 20.00 FEET TO THE POINT OF BEGINNING; THENCE, DEPARTING SAID NORTH LINE, RUN NORTH 01°16'30" WEST, ALONG THE WEST LINE OF THE AFORESAID VACATED RIGHT-OF-WAY, A DISTANCE OF 62.32 FEET TO A POINT ON THE NORTH LINE OF THE AFORESAID VACATED RIGHT-OF-WAY; THENCE NORTH 73°02'00" EAST, ALONG SAID NORTH LINE, A DISTANCE OF 120.01 FEET TO A POINT ON THE EAST LINE OF LOT 2 OF THE AFORESAID PLAT, AND THE EAST LINE OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 7, TOWNSHIP 22 SOUTH, RANGE 30 EAST, ORANGE COUNTY, FLORIDA; THENCE SOUTH 01°16'30" EAST, ALONG SAID LINE A DISTANCE OF 62.32 FEET TO A POINT ON THE NORTH LINE OF LOT 2 OF THE AFORESAID PLAT; THENCE SOUTH 73°02'00" WEST, ALONG SAID NORTH LINE, A DISTANCE OF 120.01 FEET TO THE POINT OF BEGINNING.

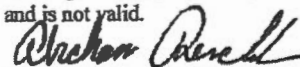
CONTAINING 7,200 SQUARE FEET, OR 0.165 ACRES, MORE OR LESS.

TSS Order #T17-B64-SOD1

Prepared by:

CENTRAL FLORIDA SURVEYS, INC. dba:
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5125 ADANSON STREET, SUITE 800
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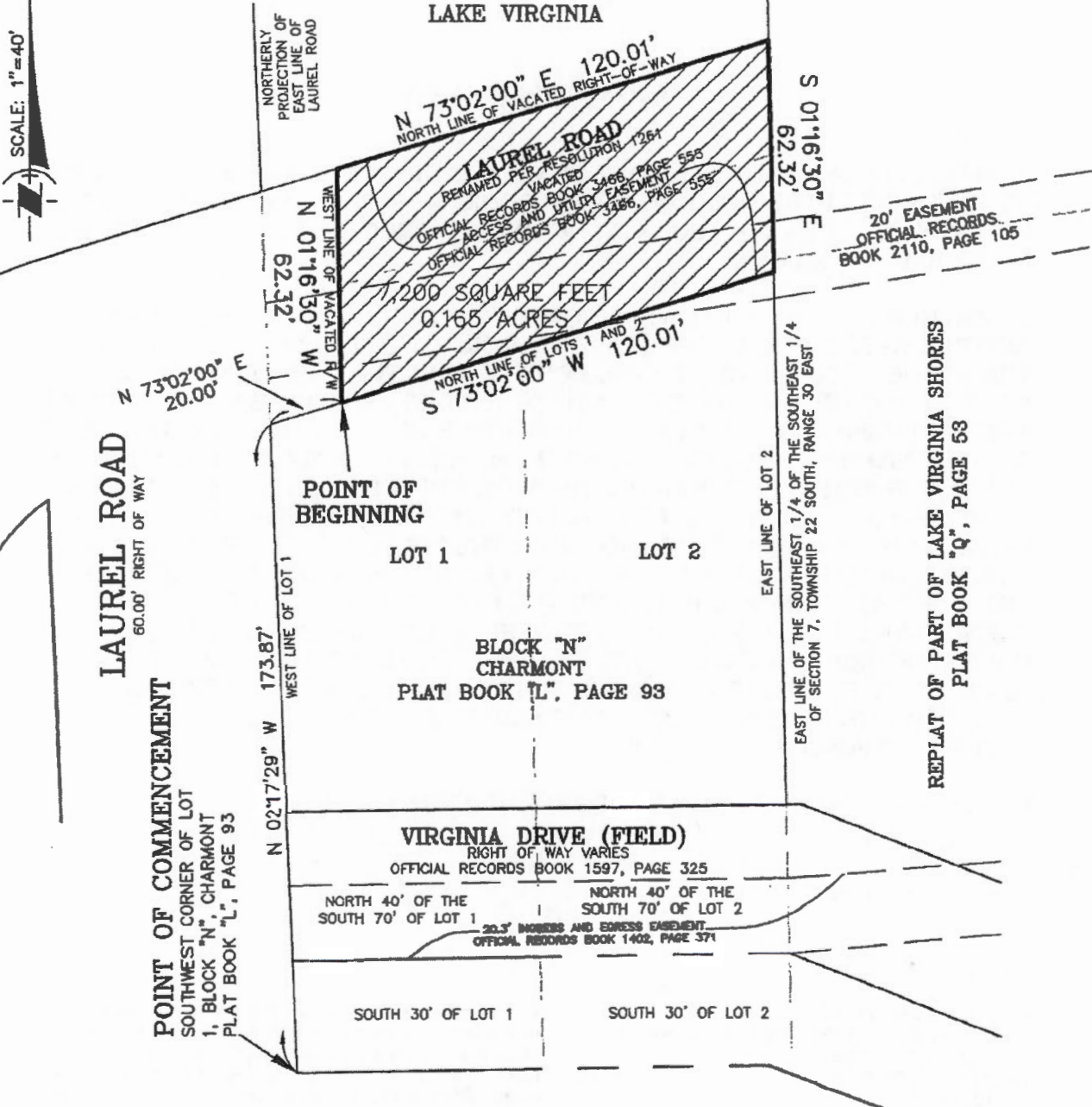
ABRAHAM I. REMCHUK, P.S.M. # 6813
Date: 10-31-17

SKETCH OF DESCRIPTION

- NOT A SURVEY -

EXHIBIT B: Highlighted Area -
Request to Vacate Easement

SHEET 2 OF 2



SURVEYOR'S NOTES

- 1.) BEARINGS SHOWN HEREON ARE ASSUMED RELATIVE TO THE WEST RIGHT OF WAY LINE OF LAUREL ROAD AS BEING N02°17'29"W
- 2.) SEE SHEET 1 FOR LEGAL DESCRIPTION

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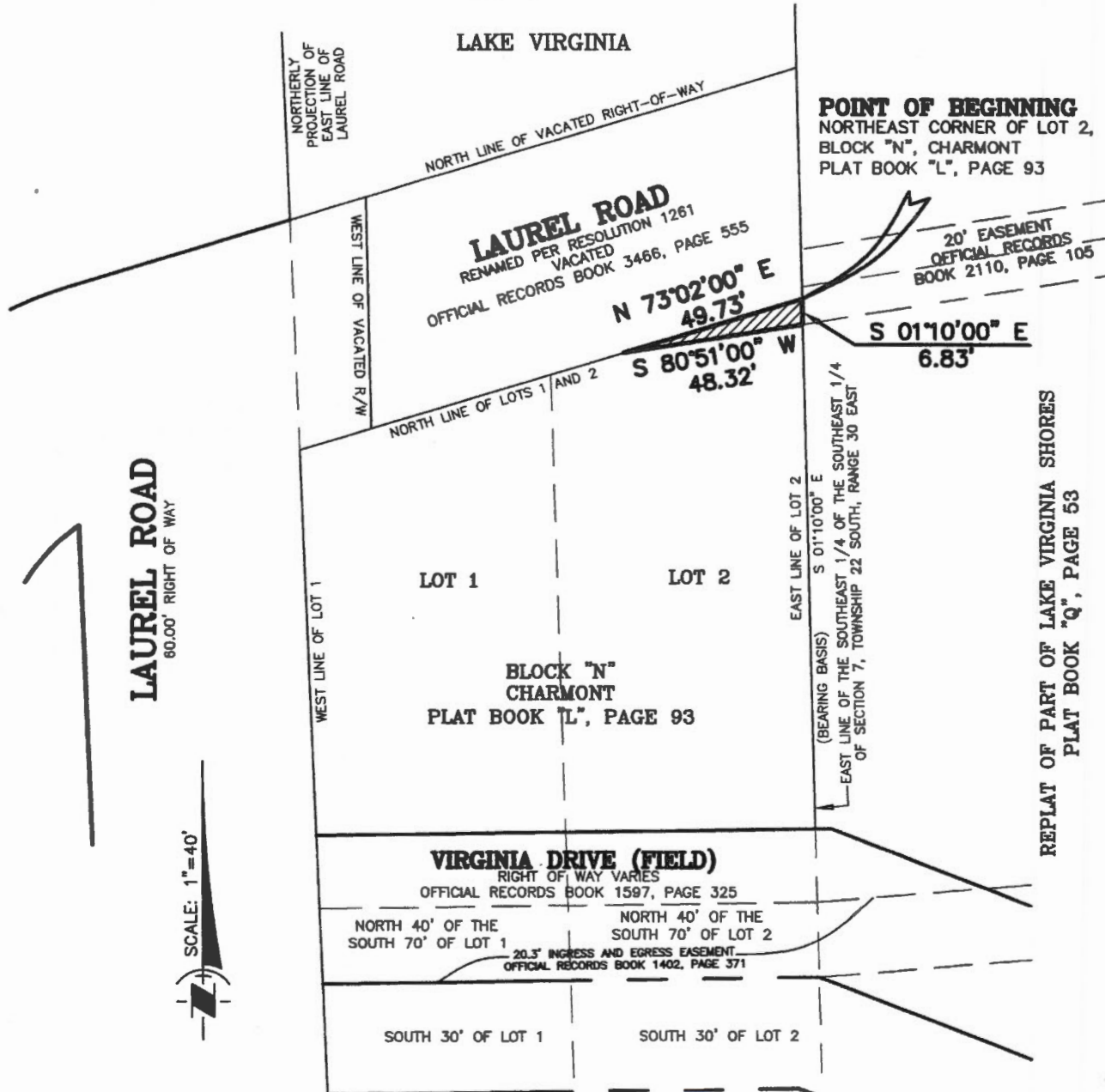
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SKETCH OF DESCRIPTION

— NOT A SURVEY —

SKETCH OF EASEMENT DESCRIBED IN OFFICIAL RECORDS BOOK 2110, PAGE 105

EXHIBIT C: Highlighted Area –
Request to Vacate Right-of-Way
And to Vacate Easement



SURVEYOR'S NOTES

- 1.) BEARINGS SHOWN HEREON ARE BASED ON THE EAST LINE OF LOT 2, BLOCK "N", CHARMONT SUBDIVISION, PLAT BOOK "L", PAGE 93, AS SHOWN IN THE ORDER OF TAKING, RECORDED IN OFFICIAL RECORDS BOOK 2110, PAGE 105, ALL OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, AS BEING SOUTH 01°10'00" EAST.

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Begin at the northeast corner of Lot 2 Block N of Charmont Subdivision as recorded in Plat Book L, Page 93 of the Public Records of Orange County, Florida, run thence S1°10'E 6.83 feet along the east line of said Lot 2 thence S80°51'W 48.32 feet to a point on the northerly line of said Lot 2, thence N73°02'E along said northerly line 49.73 feet to the point of beginning.

TSS Order # T17-B64

**EXHIBIT C: Highlighted Area -
Request to Vacate Right-of-Way
And to Vacate Easement**

**EXHIBIT D: Highlighted Area -
Request to Impose Easement**

Sheet 1 of 2
See Sketch of Description
Included as Attachment "A"

LEGAL DESCRIPTION

A TRACT OF LAND BEING A PORTION OF BLOCK "N", CHARMONT, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK "L", PAGE 93, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF LOT 1, OF THE AFORESAID PLAT; THENCE NORTH 02°17'29" WEST, ALONG THE WEST LINE OF SAID LOT 1, A DISTANCE OF 179.29 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 02°17'29" WEST, ALONG SAID WEST LINE, A DISTANCE OF 20.26 FEET; THENCE, DEPARTING SAID WEST LINE, RUN NORTH 78°28'04" EAST, A DISTANCE OF 137.44 FEET TO A POINT ON THE EAST LINE OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 7, TOWNSHIP 22 SOUTH, RANGE 30 EAST, ORANGE COUNTY, FLORIDA; THENCE SOUTH 01°16'30" EAST, ALONG SAID EAST LINE, A DISTANCE OF 20.32 FEET; THENCE, DEPARTING SAID EAST LINE, RUN SOUTH 78°28'04" WEST, A DISTANCE OF 137.07 FEET TO THE POINT OF BEGINNING.

CONTAINING 2,745 SQUARE FEET, OR 0.063 ACRES, MORE OR LESS.

TSS Order #T17-B64-SOD3

Prepared by:

CENTRAL FLORIDA SURVEYS, INC. dba:
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ABRAHAM L. REMCHUK, P.S.M. # 6813

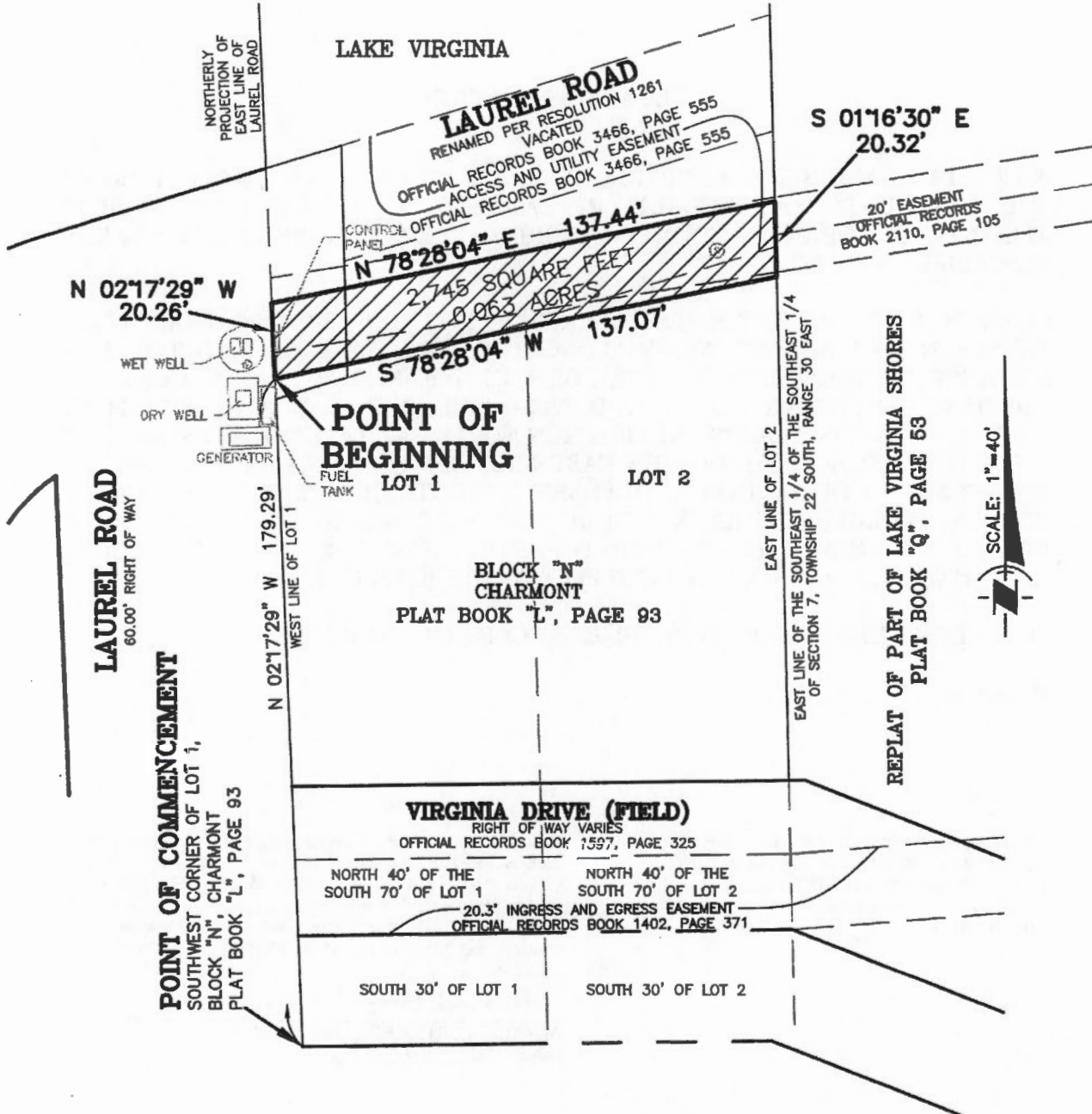
Date: 10-31-17

**EXHIBIT D: Highlighted Area –
Request to Impose Easement**

SKETCH OF DESCRIPTION

– NOT A SURVEY –

SHEET 2 OF 2



SURVEYOR'S NOTES

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- 2) SEE SHEET 1 FOR LEGAL DESCRIPTION

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Exhibit "E"

Parcel 1 (PID #07-22-30-1252-14-011):

CHARMONT L/93 LOTS 1, 2 BLK N LESS S 30 FT THEREOF (LESS NORTH 40 FT OF SOUTH 70 FT FOR R/W PER 1597/325) & S1/2 OF E 120 FT OF VAC RD ON N PER 3466/555

Parcel 2: (PID #07-22-30-1252-14-013):

CHARMONT L/93 THE E1/2 OF E1/2 OF E1/2 OF SE1/4 OF SE1/4 LYING E OF NLY PROJECTION OF W LINE OF LAUREL RD & NLY OF N LINE OF VIRGINIA DR & N1/2 OF E 120 FT OF VAC RD ON S SEE 3272/1109